

EXHIBIT A

DECLARATION OF KEVIN J. HAMILTON IN SUPPORT OF FEE PETITION

Professional Biography



ARIA C. BRANCH | ASSOCIATE

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Aria Branch, an associate with the firm's Political Law practice, counsels federal and state elected officials, candidates, political parties, trade associations, corporations, PACs and other political organizations on campaign finance and ethics issues. She has represented clients before the Federal Election Commission, the Office of Congressional Ethics, and state ethics and campaign finance regulators.

Aria also litigates political law cases, most notably in the areas of voting rights and redistricting. Her recent litigation engagements include representation of plaintiffs challenging burdensome voting laws in Virginia and Wisconsin. Aria was also a member of the teams that successfully briefed and argued two cases on redistricting before the U.S. Supreme Court: *Bethune-Hill v. Virginia State Board of Elections* and *McCrary v. Harris*.

RELATED EMPLOYMENT

- Organizing for America, Chesapeake, VA, Organizing Fellow, 2012
- Judicial Extern for Hon. Justice Patricia Timmons-Goodson, Supreme Court of North Carolina, 2010

EXPERIENCE

BETHUNE-HILL V. VIRGINIA STATE BOARD OF ELECTIONS

U.S. District Court for the Eastern District of Virginia

Represented 12 Virginia voters in constitutional challenge to Virginia House of Delegate redistricting plan arising under the Equal Protection Clause of the Fourteenth Amendment. Perkins Coie secured a significant victory on behalf of Virginia voters on June 26, 2018, when the United States District Court for the Eastern District of Virginia, Richmond Division held that all 11 of the House of Delegates districts that were challenged by Perkins Coie in October 2017 were unconstitutional racial gerrymanders in violation of the Fourteenth Amendment.

COOPER V. HARRIS

Supreme Court of the United States

U.S. District Court for the Middle District of North Carolina

Secured a victory in the U.S. Supreme Court on May 22, 2017 on behalf of two North Carolina residents seeking invalidation of North Carolina's 1st and 12th Congressional Districts as racial gerrymanders in violation of the Equal Protection Clause of the 14th Amendment. Following trial in October 2015, on February 6, 2016, a three-judge panel of the U.S. District Court for the Middle District of North Carolina found in our team's favor, striking down the congressional plan originally drawn in 2011, enjoining further elections under it, and directing the North Carolina General Assembly to adopt a new map. The three-judge panel then denied the defendants' motion to stay, as did the U.S. Supreme Court. The Supreme Court Opinion, authored by Justice Kagan, upheld the district court's judgment that the North Carolina General

Assembly had unlawfully used race to draw congressional districts.

WISCONSIN VOTING RIGHTS VICTORY

Secured a significant victory in Wisconsin striking down eight recently-enacted voting restrictions, including those involving strict voter identification requirements and substantial restrictions to early and absentee voting. The judge found a number of the challenged provisions unconstitutional, including the voter ID law as implemented, restrictions on the use of student ID as voter ID, certain restrictions that limited early and absentee voting, and a provision that increased the residency requirement before an otherwise eligible voter may participate in elections in Wisconsin. The court further affirmatively ordered the state to issue valid photo IDs for voters who are trying to obtain them but lack certain credentials (e.g. birth certificates).

VIRGINIA NOMINATION PROCESS CHALLENGE

U.S. District Court for the Eastern District of Virginia

Successfully defended the Democratic Party of Virginia against a lawsuit that challenged the Party's First Amendment right to choose the means by which it selected its nominee in a special election to fill a vacant seat in the Virginia House of Delegates.

VIRGINIA LONG LINES SETTLEMENT

Successfully represented the Democratic Party of Virginia and two Virginia voters in settlement negotiations with the Virginia State Board of Elections and the Virginia Department of Elections that culminated in a favorable consent decree in which the Board and Department agreed to take critical, significant steps to remedy Virginia's historical problem with long wait times to vote.

VIRGINIA HOUSE OF DELEGATES RECOUNT

Represented a democratic candidate for the Virginia House of Delegates in a high profile, closely watched election recount, the results of which determined party control of the House.

NEWS

05.22.2017

Perkins Coie Wins SCOTUS Ruling in North Carolina Congressional Redistricting Case

Press Releases

In a third time win for Perkins Coie attorney Marc Elias before the U.S. Supreme Court in redistricting lawsuits, on May 22, 2017, the Court upheld a federal district court decision that struck down North Carolina's 1st and 12th Congressional Districts as racial gerrymanders in violation of the Equal Protection Clause of the 14th Amendment.

12.05.2016

Marc Elias Featured in the National Law Journal Supreme Court Brief Article - A SCOTUS Juggling Act for Perkins Coie's Marc Elias

General News

[National Law Journal Supreme Court Brief](#)

Marc Elias was featured in *National Law Journal Supreme Court Brief* article, "A SCOTUS Juggling Act for Perkins Coie's Marc Elias" noting that his arguments on two separate but related cases before the high court on Monday was just one of several career highlights this year alone.

Abha Khanna, Kevin Hamilton, Aria Branch and Elisabeth Frost were also mentioned regarding their contributions to both cases. To read more, [click here](#).

07.16.2015

Perkins Coie and Microsoft Join Forces on Women in Law Program

Press Releases

Women attorneys from Perkins Coie and Microsoft Corporation recently teamed up on a new program as part of ongoing gender diversity initiatives to inform and inspire women law students about their future in the legal field. The program included an event in Chicago called "Women in Law: Being Successful and Making an Impact," and another in Washington, D.C. titled "Women in Law: Navigating the Politics of Success."

AREAS OF FOCUS

PRACTICES

- Political Law
- Political Parties, Campaigns and Committees
- Political Law Litigation

BAR AND COURT ADMISSIONS

- District of Columbia
- Virginia
- U.S. District Court for the Eastern District of Virginia
- U.S. District Court for the Western District of Wisconsin

EDUCATION

- Harvard Law School, J.D., 2012, General Board, *Civil Rights-Civil Liberties Law Review*
- Duke University, A.B., Political Science and African and African-American Studies, *cum laude*, 2009

Professional Biography



AMANDA R. CALLAIS | COUNSEL

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ACallais@perkinscoie.com

Amanda Callais focuses her practice on political litigation. She represents voters, campaigns, political committees and activists at the state and federal level in actions related to elections, including redistricting and voting rights, as well as cases implicating important matters of First Amendment speech and association. In particular, Amanda has considerable experience successfully challenging repressive voting measures, including voter identification and registration laws, as well as other restrictions that make it more difficult for eligible voters to participate in their representative democracy. Amanda regularly achieves favorable outcomes in high-profile, complex cases, from the trial through appellate levels.

Amanda's background includes assisting clients in the financial services sector with complex state and federal civil litigation and representing clients on antitrust-related matters and in investigations before government agencies and regulatory bodies. She also served as a law clerk for the Honorable Carl J. Barbier of the U.S. District Court for the Eastern District of Louisiana.

Prior to beginning her legal career, Amanda was active in several political campaigns and causes. She served as canvass director for Kirsten Gillibrand's 2008 run for Congress and as a field organizer for Hillary Clinton's 2008 presidential bid. Amanda was also a policy associate and lobbyist for the Louisiana Maternal and Child Health Coalition.

Maintaining an active pro bono practice, Amanda recently assisted international law scholars and organizations in preparing U.S. Supreme Court and Fourth Circuit amicus briefs in high-profile immigration law cases. She has also helped immigrants obtain asylum and successfully represented blind federal contractors in a nationwide disability rights class action.

PROFESSIONAL LEADERSHIP

- D.C. Bar John C. Payton 2015 Leadership Academy, Member
- Women's Bar Association of D.C., Member, Former - Litigation Forum, Co-Chair
- American Bar Association, Member
- Louisiana School for Math, Science, and the Arts Foundation, Board Member

RELATED EMPLOYMENT

- Sutherland Asbill & Brennan LLP, Washington, D.C., Summer Associate, 2011; Associate, 2013 - 2014
- Louisiana Maternal and Child Health Coalition, Baton Rouge, LA, Policy Associate; Lobbyist, 2009
- Kirsten Gillibrand for Congress, Clifton Park, NY, Canvass Director; GOTV Director, 2008
- Harry Teague for Congress, Las Cruces, NM, Western Field Director; Deputy Campaign Manager, 2008
- Hillary Clinton for President, Des Moines, IA, Field Organizer, 2007 - 2008

CLERKSHPIS

- Hon. Carl Barbier, U.S. District Court for the Eastern District of Louisiana, 2012 - 2013

EXPERIENCE

LEAGUE OF UNITED LATIN AMERICAN CITIZENS V. IOWA SECRETARY OF STATE

Supreme Court of Iowa

District Court of Iowa, Polk County

Represented the League of United Latin American Citizens (LULAC) of Iowa and a college-aged voter in a lawsuit challenging a 2017 Iowa law under the Iowa Constitution. The law instituted new absentee voter requirements and a voter identification requirement for in-person voting starting in 2019. The lawsuit sought a temporary injunction to stop the enforcement of absentee ballot restrictions, which would require voters to provide an identification number to request an absentee ballot, shorten the absentee voting period, and allow election officials to reject absentee applications and ballots based on the voter's signature. The motion also requested a temporary injunction against the Secretary of State misinforming voters about identification requirements for the 2018 election. The Polk County District Court granted the motion for a temporary injunction on all grounds. Upon appeal by the Secretary of State, the Iowa Supreme Court allowed the shortened absentee voting period to go into effect, but affirmed the temporary injunction on all other grounds. The litigation is ongoing.

NEWTON V. WALKER

Court of Appeals of Wisconsin

Obtained a writ of mandamus requiring Governor Scott Walker of Wisconsin to call special elections in two legislative districts left vacant when the former office holders resigned to take positions in the Governor's administration. In the process of the litigation, which lasted, in all, a little over four weeks, the case was argued before two different judges and presented to three different courts (two judges in the circuit court and a court of appeals). At each stage, the courts ruled in favor of the eight Wisconsin voters on whose behalf the case was filed, culminating in an order issued by the Wisconsin Court of Appeals, which, in denying Governor Walker's request for an extension of time to comply with the writ of mandamus, wrote: "We ... disagree with the Governor's assertion that the special elections 'are an unnecessary waste of taxpayer resources and confusing to voters.' . . . Representative government and the election of our representatives are never 'unnecessary,' [and] never a 'waste of taxpayer resources'". Governor Walker complied with the court order and called the special elections on March 29, 2018.

WISCONSIN VOTING RIGHTS VICTORY

Secured a significant victory in Wisconsin striking down eight recently-enacted voting restrictions, including those involving strict voter identification requirements and substantial restrictions to early and absentee voting. The judge found a number of the challenged provisions unconstitutional, including the voter ID law as implemented, restrictions on the use of student ID as voter ID, certain restrictions that limited early and absentee voting, and a provision that increased the residency requirement before an otherwise eligible voter may participate in elections in Wisconsin. The court further affirmatively ordered the state to issue valid photo IDs for voters who are trying to obtain them but lack certain credentials (e.g. birth certificates).

NORTH CAROLINA VOTING RIGHTS CHALLENGE

Represents a group of North Carolina voters in a federal voting rights litigation in which a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit issued a unanimous ruling that the State's Republican-led General Assembly intentionally discriminated against African Americans when it enacted several new voting restrictions in 2013. The Fourth Circuit reversed the district court's dismissal of all of the plaintiffs' claims in *North Carolina State Conference of the NAACP, et al. v. McCrory, et al.*, finding that North Carolina's elimination of same day registration, out-of-precinct provisional voting, preregistration, reduction of early voting, and enactment of voter-ID law were unconstitutional and in violation of the 14th Amendment and Section 2 of the Voting Rights Act. The decision invalidates the changes to North Carolina's voting mechanisms, meaning that same-day registration, out-of-precinct provisional voting, preregistration, and the lost early voting days will be reinstated. North Carolina's voter ID law is also completely enjoined.

OHIO GOLDEN WEEK REINSTATEMENT

Secured a victory for voters in Ohio by obtaining a ruling that the State's elimination of Ohio's Golden Week – a period during which early voting and registration overlapped, such that voters could both register to vote and cast their ballot at the same time – violated Section 2 of the Voting Rights Act and was unconstitutional under the 14th Amendment's Equal Protection Clause.

VIRGINIA BALLOT CHALLENGE

Successfully defended the Virginia Democratic Party against a motion for a preliminary injunction that, if granted, would have halted the printing of ballots for a primary election and required court review of the Party's decision not to certify a candidate for the ballot.

NEWS

01.03.2019

Perkins Coie Attorneys Mentioned in Law360 - Full 9th Circ. to Rehear Challenge to Ariz. Voting Laws

General News

Law360

Daniel C. Barr, Sarah R. Gonski, Marc E. Elias, Bruce V. Spiva, Elisabeth C. Frost, Amanda R. Callais and Alexander G. Tischenko were mentioned as representation for the DNC, the Democratic Senatorial Campaign Committee and the Arizona Democratic Party in the *Law360** article, "Full 9th Circ. to Rehear Challenge to Ariz. Voting Laws."

*Subscription-based publication

01.02.2019

Perkins Coie Announces 2019 Counsel Promotions 12648

Press Releases

Perkins Coie has announced that 33 attorneys have been promoted to the firm's counsel position.

AREAS OF FOCUS

PRACTICES

- Political Law
- Political Law Litigation

BAR AND COURT ADMISSIONS

- District of Columbia
- Virginia
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the District of Columbia
- U.S. District Court for the Eastern District of Virginia

EDUCATION

- Tulane University Law School, J.D., *summa cum laude*, 2012, Order of the Coif
- Louisiana State University, B.A., Political Science; History, *summa cum laude*, 2006

LANGUAGES

- Spanish

Professional Biography



MARC E. ELIAS | PARTNER

Firmwide Chair, Political Law Practice

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Marc Elias is the chair of Perkins Coie's Political Law Group, where he is a preeminent counselor in the areas of federal and state campaign finance law, ethics, lobbying and gift rules, as well as recounts and election contests. He is also a nationally recognized authority and spearheads litigation efforts in the areas of voting rights and redistricting.

Marc's clients include dozens of U.S. senators, governors, representatives and their campaigns. Marc served as general counsel to Hillary for America, Hillary Rodham Clinton's presidential campaign in 2016. He served in the same role for John Kerry's presidential campaign in 2004. His political committee clients include the Democratic National Committee, Democratic Senatorial Campaign Committee, Democratic Congressional Campaign Committee, Democratic Governors Associations, National Democratic Redistricting Committee, Priorities USA, Senate Majority PAC, House Majority PAC and EMILY's List.

As a litigator, Marc has handled dozens of cases involving politics, campaign finance and voting rights. He has successfully argued four cases challenging unlawful Republican gerrymandering in the U.S. Supreme Court: *Virginia House of Delegates v. Bethune-Hill*, *Wittman v. Personhubballah*, *Bethune-Hill v. Virginia State Bd. of Elections* and *Cooper v. Harris*.

In 2019, Marc successfully represented Democratic candidate Dan McCready during an election fraud hearing that resulted in North Carolina ordering a new congressional election in NC-9—the first and only time a state has set aside a federal election as a result of fraudulent activity. In 2016, Marc successfully represented Governor Roy Cooper in the North Carolina post-election and recount process. He served in the same role for Attorney General Mark Herring in the Virginia Attorney General's successful recount in 2013. Marc also served as lead counsel for Senator Al Franken in the 2008 Minnesota Senate election recount and contest.

Marc has represented numerous clients in public corruption and campaign finance matters before the U.S. Department of Justice, as well as before committees of both the House and Senate, and federal agencies.

POLITICAL LAW LEADERSHIP

Named by *Politico Magazine* as one of the "50 Politicos to Watch," Marc is frequently quoted on political law matters by the national media, and he has spoken and written extensively about both politics and political law.

He currently serves as the chair of two organizations: Democracy Forward and We the Action. He serves on the board of directors of Priorities USA and on the advisory board of Let America Vote and Access Democracy. Marc is the former co-chair of the bipartisan Committee to Modernize Voter Registration. Marc served on the American Bar Association's Standing Committee on Election Law and as an adviser to two American Law Institute projects: Principles of Government Ethics and Principles of Election Law: Resolution of Election Disputes.

Marc has taught both law and political science, including "Post Election Litigation and Advanced Election Law" at William & Mary Law School and "Modern Campaigns and Elections" at Hamilton College.

“One of the most formidable election lawyers in the country, and arguably one of the most influential of unelected Democrats in Washington.”

- *The New York Times*

“He occupies a unique and virtually unmatched position within the Democratic legal universe.”

- *The Hill*

“Democratic super lawyer.”

- *The Washington Post*

“A dominant force in U.S. election law.”

- *Politico*

“A go-to lawyer for Democrats in recount fights and redistricting battles.”

- *The Washington Post*

“The Democrats’ go-to attorney ... an indispensable figure in the party.”

- *CQ Roll Call*



Ranked by Chambers USA Six Years in a Row

PROFESSIONAL RECOGNITION

- Named the *Best Lawyers*' Washington, D.C. "Government Relations Practice Lawyer of the Year," 2018
- Named by *Washingtonian Magazine* as a "Top Lawyer" for campaign finance and ethics and campaign and election law
- Listed in *The Best Lawyers in America* 2008 - Present: Criminal Defense: White-Collar; Government Relations Practice
- Listed in *Chambers USA* as a leading political law attorney
- Listed in *Washington D.C. Super Lawyers*
- Listed by *American Lawyer Media* as "Top Rated Lawyer in Criminal Defense - White Collar," 2012

EXPERIENCE

POLITICAL LAW

PRIORITIES USA V. MISSOURI

Circuit Court of Cole County, Missouri

Obtained a significant victory, in October 2018, on behalf of Priorities USA and two Missouri voters in a lawsuit challenging the state's newly-enacted voter ID law under the Missouri Constitution. The law imposed new restrictions on voters who lacked photo ID by requiring them to execute an inaccurate and misleading affidavit, stating among other things that photo ID was required by

law, in order to cast a regular ballot. Following a bench trial in September 2018, the circuit court judge struck down the affidavit requirement as unconstitutional, and permanently enjoined the state from disseminating advertisements or publishing materials that suggest photo ID is required to vote. The state subsequently petitioned the Missouri Supreme Court for an emergency stay of the trial court's injunction, which the Supreme Court denied. As a result, Missouri law now provides several different options for voting, with or without photo ID, that are more expansive than any voter ID law implemented in the state since 2002. The state's appeal is currently pending.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS V. IOWA SECRETARY OF STATE

Supreme Court of Iowa

District Court of Iowa, Polk County

Represented the League of United Latin American Citizens (LULAC) of Iowa and a college-aged voter in a lawsuit challenging a 2017 Iowa law under the Iowa Constitution. The law instituted new absentee voter requirements and a voter identification requirement for in-person voting starting in 2019. The lawsuit sought a temporary injunction to stop the enforcement of absentee ballot restrictions, which would require voters to provide an identification number to request an absentee ballot, shorten the absentee voting period, and allow election officials to reject absentee applications and ballots based on the voter's signature. The motion also requested a temporary injunction against the Secretary of State misinforming voters about identification requirements for the 2018 election. The Polk County District Court granted the motion for a temporary injunction on all grounds. Upon appeal by the Secretary of State, the Iowa Supreme Court allowed the shortened absentee voting period to go into effect, but affirmed the temporary injunction on all other grounds. The litigation is ongoing.

FLORIDA EARLY VOTING VICTORY

Represented voting advocacy organizations and several young Florida voters in a lawsuit challenging the Secretary of State's restrictive interpretation of the early voting statute, to prohibit the placement of early voting sites on college campuses. The lawsuit sought a preliminary injunction prohibiting the Secretary from enforcing the statute consistent with that interpretation and affirmatively restoring to the local supervisors of election the discretion to offer early voting on campuses. After a hearing, the district court judge granted the motion for a preliminary injunction in an order that found that plaintiffs were likely to succeed on both their claims under not just the Equal Protection Clause, but also the 26th Amendment, creating important new precedent in voting rights cases that challenge elections procedures that can be shown to intentionally discriminate against young voters.

THE DEMOCRATIC PARTY OF VIRGINIA V. VIRGINIA STATE BOARD OF ELECTIONS

Obtained an injunction and writ of mandamus requiring the Virginia State Board of Elections and local elections administrators to remove an independent candidate from the ballot in a congressional race where the candidate obtained the requisite number of signatures to qualify for the ballot only by the efforts of several paid staffers of the incumbent Republican Congressman, who were found to have forged signatures on the petitions that they claimed to have "circulated" on the candidate's behalf. After briefing and an evidentiary hearing, where the court considered, among other things, over 40 affidavits from voters whose names were forged on the petition, testimony from a handwriting expert, and affidavits sworn to and signed by four of the incumbent congressman's staffers affirming that if called to the stand and asked if there were forgeries on the petitions that they submitted they would invoke their Fifth Amendment right not to testify, the court announced that the candidate was improperly qualified for the ballot based upon "out-and-out fraud" and granted the requested relief.

BETHUNE-HILL V. VIRGINIA STATE BOARD OF ELECTIONS

U.S. District Court for the Eastern District of Virginia

Represented 12 Virginia voters in constitutional challenge to Virginia House of Delegate redistricting plan arising under the Equal Protection Clause of the Fourteenth Amendment. Perkins Coie secured a significant victory on behalf of Virginia voters on June 26, 2018, when the United States District Court for the Eastern District of Virginia, in Richmond held that 11 of the House of Delegates districts were unconstitutional racial gerrymanders in violation of the Fourteenth Amendment.

NEWTON V. WALKER

Court of Appeals of Wisconsin

Obtained a writ of mandamus requiring Governor Scott Walker of Wisconsin to call special elections in two legislative districts left vacant when the former office holders resigned to take positions in the Governor's administration. In the process of the litigation, which lasted, in all, a little over four weeks, the case was argued before two different judges and presented to three different courts (two judges in the circuit court and a court of appeals). At each stage, the courts ruled in favor of the eight Wisconsin voters on whose behalf the case was filed, culminating in an order issued by the Wisconsin Court of Appeals, which, in denying Governor Walker's request for an extension of time to comply with the writ of mandamus, wrote: "We ... disagree with the Governor's assertion that the special elections 'are an unnecessary waste of taxpayer resources and confusing to voters.' . . . Representative government and the election of our representatives are never 'unnecessary,' [and] never a 'waste of taxpayer resources'". Governor Walker complied with the court order and called the special elections on March 29, 2018.

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elections under it, and directing the North Carolina General Assembly to adopt a new map. The three-judge panel then denied the defendants' motion to stay, as did the U.S. Supreme Court. The Supreme Court Opinion, authored by Justice Kagan, upheld the district court's judgment that the North Carolina General Assembly had unlawfully used race to draw congressional districts.

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U.S. SUPREME COURT RACIAL GERRYMANDERING VICTORY

Secured a unanimous victory in the U.S. Supreme Court, cementing a win for several Virginia voters previously obtained from a three-judge panel of the U.S. District Court of Virginia, which found Virginia's 3rd Congressional District to be an unconstitutional racial gerrymander. In a vote of 8-0, the Court dismissed the appeal, brought by Virginia's Republican Congressional delegation, who had intervened as defendants in the action, based on argument that the delegation lacked standing to maintain the appeal.

OHIO GOLDEN WEEK REINSTATEMENT

Secured a victory for voters in Ohio by obtaining a ruling that the State's elimination of Ohio's Golden Week – a period during which early voting and registration overlapped, such that voters could both register to vote and cast their ballot at the same time – violated Section 2 of the Voting Rights Act and was unconstitutional under the 14th Amendment's Equal Protection Clause.

VIRGINIA LONG LINES SETTLEMENT

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VIRGINIA NOMINATION PROCESS CHALLENGE

U.S. District Court for the Eastern District of Virginia

Successfully defended the Democratic Party of Virginia against a lawsuit that challenged the Party's First Amendment right to choose the means by which it selected its nominee in a special election to fill a vacant seat in the Virginia House of Delegates.

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE

General Counsel to the Democratic Senatorial Campaign Committee.

NATIONAL DEMOCRATIC REDISTRICTING TRUST

General Counsel to national organization in charge of advancing Democratic congressional redistricting efforts following the 2010 census.

KERRY-EDWARDS 2004

General Counsel to 2004 Democratic presidential nominee.

CHRIS DODD FOR PRESIDENT

General Counsel to 2008 Democratic presidential campaign.

PEREZ, ET AL. V. PERRY, ET AL.

U.S. Supreme Court

Represented Democratic voters in lawsuit over Texas congressional redistricting. 132 S.Ct. 934 (2012)

IN RE SENATE JOINT RESOLUTION OF LEGISLATIVE APPORTIONMENT

Supreme Court of Florida

Represented Democratic Party in state redistricting proceeding. 83 So.3d 597, Supreme Court of Florida (2012)

HIPPERT, ET AL. V. RITCHIE, ET AL.

Supreme Court of Minnesota

Represented Democratic voters in state redistricting proceeding. 813 NW 2d 374 (Minn. 2012)

NEVADA STATE DEMOCRATIC PARTY V. NEVADA REPUBLICAN PARTY

Supreme Court of Nevada

Represented state Democratic Party in lawsuit over special congressional election. 256 P.3d 1 (NV 2011)

IN RE 2010 GUBERNATORIAL ELECTION

Supreme Court of Minnesota

Successfully argued Supreme Court case in connection with 2010 gubernatorial recount. 793 N.W.2d 256 (Minn. 2010)

COMMITTEE TO RECALL ROBERT MENENDEZ FROM THE OFFICE OF U.S. SENATOR V. WELLS, ET AL.

Supreme Court of New Jersey

Successfully argued case for Senator Menendez against constitutionality of recall under New Jersey's Uniform Recall Election Law. 7 A.3d 720 (NJ 2010)

IN RE CONTEST OF GENERAL ELECTION HELD ON NOV. 4, 2008

Supreme Court of Minnesota

Obtained a unanimous decision affirming that Al Franken had received the highest number of votes legally cast in the 2008 general election for United States Senator and therefore was entitled to receive the certificate of election. Perkins Coie also represented Franken during the election, a six-week recount involving nearly three million ballots—the largest in American history, a seven-week trial, and multiple appearances before the Minnesota Supreme Court. 767 N.W.2d 453 (Minn. 2009).

FRANKEN V. PAWLENTY, ET AL.

Supreme Court of Minnesota

Represented certified election winner in lawsuit to compel issuance of a certificate of election. 762 N.W.2d 558 (Minn. 2009)

NADER V. DEMOCRATIC NATIONAL COMMITTEE

U.S. Court of Appeals for the District of Columbia Circuit

Represented 2004 Democratic presidential nominee, John Kerry, in lawsuit over third party ballot access. 567 F.3d 692 (D.C. Cir. 2009)

MENG V. SCHWARTZ, ET AL.

U.S. Court of Appeals for the District of Columbia Circuit

Represented national political party committees in shareholder derivatives action in Washington D.C. 48 Fed. Appx. 1 (D.C. Cir. 2002)

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE V. FEC

U.S. Court of Appeals for the District of Columbia Circuit

Represented national party committee in lawsuit to compel agency action. 139 F.3d 951, 329 U.S.App.D.C. 258 (1998)

FAVORS, ET AL. V. CUOMO, ET AL.

U.S. District Court for the Eastern District of New York

Represented Democratic voters in redistricting lawsuit. 11-cv-5632 (E.D.N.Y. March 19, 2012)

GUY, ET AL. V. MILLER

U.S. District Court for the District of Nevada

Represented Democratic voters in redistricting lawsuit. 11-cv-00042-1B (Nev. Dist. Ct., Carson City Oct. 27, 2011)

DEMOCRATIC LEADERSHIP COUNCIL INC. V. UNITED STATES OF AMERICA

U.S. District Court for the District of Columbia

In a leading case regarding section 501(c)(4) organizations and political activity, successfully contested IRS determination that issues advocacy by individuals associated with a political party was incompatible with the terms of a 501(c)(4) "social welfare" exemption. 542 F.Supp.2d 63 (D.D.C. 2008).

SYKES V. FEC, ET AL.

U.S. District Court for the District of Columbia

Action challenging constitutionality of non-resident campaign contributions to Alaska Senate campaign. 335 F. Supp. 2d 84 (D.D.C. 2004)

FEC V. FRIENDS OF CONGRESSWOMAN JANE HARMAN, ET AL.

U.S. District Court for the Central District of California

12654

Defense of FEC enforcement action alleging illegal use of corporate resources to raise money for a candidate. 59 F. Supp. 2d 1046 (C.D. Cal. 1999)

FORRESTER V. THE NEW JERSEY DEMOCRATIC PARTY INC., ET AL.

U.S. Supreme Court

Successfully opposed emergency application for stay regarding U.S. Senate election in New Jersey. 537 U.S. 803 (2002)

FEINSTEIN FOR SENATE, FEC ADVISORY OPINION 2012-7

Obtained advisory opinion regarding the application of contribution limits where a treasurer embezzled campaign funds.

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE, FEC ADVISORY OPINION 2011-13

Successfully obtained advisory opinion regarding disclaimers for Internet solicitations, including on mobile Internet devices.

MAJORITY PAC AND HOUSE MAJORITY PAC, FEC ADVISORY OPINION 2011-12

Successfully obtained advisory opinion permitting fundraising by Federal candidates and officeholders for independent expenditure-only committees (superpacs).

FACEBOOK, FEC ADVISORY OPINION 2011-9

Represented leading social media company regarding the exemption from full disclaimer requirements of character-limited ads.

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE, FEC ADVISORY OPINION 2011-3

Successfully obtained advisory opinion permitting the use of recount fund for litigation expenses.

ROBIN CARNAHAN FOR SENATE, FEC ADVISORY OPINION 2011-1

Successfully obtained advisory opinion regarding the establishment of a legal defense fund.

GOOGLE, FEC ADVISORY OPINION 2010-19

Represented leading Internet company in obtaining advisory opinion regarding the exemption from full disclaimer requirements of character-limited text ads.

MINNESOTA DEMOCRATIC-FARMER-LABOR PARTY, FEC ADVISORY OPINION 2010-18

Successfully obtained advisory opinion regarding the transfer or redesignation of excess recount funds to State party committee's general Federal account.

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE, FEC ADVISORY OPINION 2010-14

Successfully obtained advisory opinion permitting disbursements from national party committee's recount fund before general election for recount-related expenses.

COMMONSENSE TEN, FEC ADVISORY OPINION 2010-11

Successfully obtained advisory opinion permitting superpac to accept unlimited corporate and union contributions to make independent expenditures.

NATIONAL DEMOCRATIC REDISTRICTING TRUST, FEC ADVISORY OPINION 2010-3

Successfully obtained advisory opinion permitting fundraising by Federal candidates and officeholders for redistricting trust.

NEVADA STATE DEMOCRATIC PARTY, FEC ADVISORY OPINION 2010-1

Sought advisory opinion regarding the application of the exemption for the cost of campaign materials used in connection with volunteer activities on behalf of a party's presumptive nominees.

TECHNET, FEC ADVISORY OPINION 2009-30

Successfully obtained advisory opinion regarding corporate payments for outside fundraising consultants.

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE, FEC ADVISORY OPINION 2009-22

Obtained advisory opinion regarding filing Lobbyist Bundling Disclosure Reports on a quarterly basis.

SENATOR JOHN KERRY, FEC ADVISORY OPINION 2009-11

Sought advisory opinion regarding campaign investment in documentary film.

AL FRANKEN FOR U.S. SENATE, FEC ADVISORY OPINION 2009-4

Successfully obtained advisory opinion regarding the funding of recount and contest activities.

SENATOR FRANK LAUTENBERG, FEC ADVISORY OPINION 2008-22

Successfully obtained advisory opinion regarding repayment of personal loans by candidate.

MELOTHE, INC., FEC ADVISORY OPINION 2008-14

Successfully obtained advisory opinion regarding application of media exemption to Internet TV station.

SENATOR FRANK LAUTENBERG, FEC ADVISORY OPINION 2008-9

Sought advisory opinion regarding loan repayment provision of the "Millionaires' Amendment."

DEMOCRATIC PARTY OF VIRGINIA, FEC ADVISORY OPINION 2008-6

Successfully obtained advisory opinion regarding slate card exemption for state parties.

CHRIS DODD FOR PRESIDENT, FEC ADVISORY OPINION 2008-4

Successfully obtained advisory opinion regarding redesignation of contributions.

CHRIS DODD FOR PRESIDENT, FEC ADVISORY OPINION 2007-30

Successfully obtained advisory opinion regarding online credit card contributions.

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE, FEC ADVISORY OPINION 2007-17

Successfully obtained advisory opinion regarding contributions in the form of bank checks.

KERRY-EDWARDS 2004, FEC ADVISORY OPINION 2007-09

Successfully obtained advisory opinion regarding payment of media compliance costs.

MICHAEL KING, FEC ADVISORY OPINION 2007-08

Represented individual seeking to establish charitable matching program for volunteer entertainers aiding candidates.

SENATOR CLAIRE MCCASKILL, FEC ADVISORY OPINION 2007-1

Sought advisory opinion clarifying application of the "Millionaires' Amendment" to state committee debt retirement.

SENATOR ROBERT CASEY, FEC ADVISORY OPINION 2006-38

Represented client in advisory opinion request regarding the disposition of state campaign funds.

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE, FEC ADVISORY OPINION 2006-24

Sought advisory opinion on options for financing recounts.

WASHINGTON DEMOCRATIC STATE CENTRAL COMMITTEE, FEC ADVISORY OPINION 2006-11

Obtained clarification of so-called "hybrid" advertising.

FIRED UP! LLC, FEC ADVISORY OPINION 2005-16

Represented new media company in successful effort to extend "media exemption" to bloggers.

SENATOR CHRISTOPHER DODD, FEC ADVISORY OPINION 2005-9

Sought advisory opinion clarifying "personal use" rules.

SENATOR JON CORZINE, FEC ADVISORY OPINION 2005-2

Represented Senator running for Governor on scope of soft money ban when officeholders seek state office.

SENATOR KEN SALAZAR, FEC ADVISORY OPINION 2004-45

Sought advisory opinion on proper interpretation of the "Millionaires' Amendment" refund provision.

KERRY-EDWARDS 2004, FEC ADVISORY OPINION 2004-35

Sought advisory opinion on options for financing recounts.

SENATOR JON CORZINE, FEC ADVISORY OPINION 2004-25

Clarified rights of elected officials to make soft money donations from personal funds.

MEETUP INC., FEC ADVISORY OPINION 2004-6

Represented web company in advisory opinion request regarding political uses of Meetup.com site.

INEZ TENENBAUM, FEC ADVISORY OPINION 2003-32

Sought advisory opinion regarding the disposition of state campaign funds.

SENATOR MARK DAYTON, FEC ADVISORY OPINION 2003-31

Sought advisory opinion clarifying application of "Millionaires' Amendment" to candidate advances.

RORY REID, FEC ADVISORY OPINION 2003-10

Represented family member of elected official in defining scope of "soft money" fundraising ban.

CHRISTOPHER KENNEDY, FEC MATTER UNDER REVIEW 6196

Represented individual in successful dismissal of FEC complaint involving pre-candidacy activity.

FRIENDS OF MARY LANDRIEU, FEC MATTER UNDER REVIEW 6234

Represented Senate campaign in successful dismissal of FEC complaint involving disgorgement of funds.

FISHER FOR OHIO, FEC MATTER UNDER REVIEW 6383

12656

Represented Senate campaign in successful dismissal of FEC complaint involving candidate debates.

BLUMENTHAL FOR SENATE, FEC MATTER UNDER REVIEW 6410

Represented Senator and Senate campaign in successful dismissal of FEC complaint involving alleged illegal coordination.

WOMEN VOTE! AND THE AMERICAN WORKER, FEC MATTER UNDER REVIEW 6411

Represented outside groups in successful dismissal of FEC complaint involving alleged illegal coordination.

SENATOR RICHARD BLUMENTHAL, FEC MATTER UNDER REVIEW 6412

Represented Senator and Senate campaign in successful dismissal of FEC complaint involving candidate contribution to his own campaign.

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE AND MIDWEST VALUES PAC, FEC MATTER UNDER REVIEW 6445

Represented political committees in successful dismissal of FEC complaint involving lawfulness of contributions.

MUSGROVE FOR U.S. SENATE, FEC MATTER UNDER REVIEW 6044

Represented Senate candidate and campaign in successful dismissal of FEC complaint involving party issue ads.

SENATOR JEFF MERKLEY, FEC MATTER UNDER REVIEW 6037

Represented Senate candidate and campaign in successful dismissal of FEC complaint involving party issues ads.

HAGAN SENATE COMMITTEE, FEC MATTER UNDER REVIEW 6031

Represented Senate campaign in successful dismissal of FEC complaint alleging excessive campaign contributions.

JIM PEDERSON, FEC MATTER UNDER REVIEW 5878

Represented Senate candidate in successful dismissal of FEC complaint alleging improper use of non-federal funds.

MONTANANS FOR TESTER, FEC MATTER UNDER REVIEW 5869

Represented campaign in successful dismissal of FEC complaint involving ballot initiative activity.

THE LANTERN PROJECT, FEC MATTER UNDER REVIEW 5854

Represented issue group in successful dismissal of FEC complaint alleging that it acted as a political committee.

KATHLEEN CANNON, FEC MATTER UNDER REVIEW 5849

Represented former bank executive in FEC investigation.

FRIENDS FOR HARRY REID, FEC MATTER UNDER REVIEW 5848

Represented campaign and Senator in successful dismissal of FEC complaint alleging personal use of campaign funds.

MCCASKILL FOR MISSOURI, FEC MATTER UNDER REVIEW 5837

Represented Senate campaign in successful dismissal of FEC complaint involving state party mail program.

FRIENDS OF SHERROD BROWN, FEC MATTER UNDER REVIEW 5833

Represented Senate campaign in successful dismissal of FEC complaint involving state party mail program.

JIM PEDERSON, FEC MATTER UNDER REVIEW 5785

Represented Senate candidate in successful dismissal of FEC complaint involving reporting of personal funds expenditures.

SENATOR BARACK OBAMA, FEC MATTER UNDER REVIEW 5718

SPEAKER NANCY PELOSI, SENATOR BARBARA BOXER, AND SENATOR DIANE FEINSTEIN, FEC MATTER UNDER REVIEW 5711

Represented elected officials in successful dismissal of FEC complaint involving endorsements on the campaign website.

BOB CASEY FOR PENNSYLVANIA COMMITTEE, FEC MATTER UNDER REVIEW 5679

Represented Senate campaign in successful dismissal of FEC complaint involving newspaper promotional advertising.

TONY KNOWLES FOR U.S. SENATE, FEC MATTER UNDER REVIEW 5564, 5575 AND 5576

Represented Senate campaign in successful dismissal of complaint involving Democratic coordinated campaign activities.

CLARK CAMPER, FEC MATTER UNDER REVIEW 5390

Represented former Freddie Mac lobbyist in FEC enforcement action involving corporate contributions and expenditures.

DEMOCRATIC SENATE MAJORITY PAC, MATTER UNDER REVIEW 5343

Represented client in successful dismissal of FEC complaint for alleged violation of Bipartisan Campaign Reform Act's (BCRA's) prohibition on raising non-federal funds.

NEW YORK SENATE 2000, FEC MATTER UNDER REVIEW 5225

Represented joint fundraising committee in FEC enforcement action.

BILL NELSON FOR U.S. SENATE, CARNAHAN FOR SENATE COMMITTEE, ROBB FOR U.S. SENATE AND STABENOW FOR U.S. SENATE, FEC MATTER UNDER REVIEW 5158

Represented Senate campaigns in successful dismissal of FEC complaint involving endorsements by non-profit organization.

DEAR FOR CONGRESS, FEC MATTER UNDER REVIEW 4935

Represented House campaign in enforcement action concerning alleged contributions in the name of another.

FRIENDS OF LOIS CAPP, FEC MATTER UNDER REVIEW 4788

Represented House campaign in successful dismissal of FEC complaint involving party spending.

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE, FEC MATTER UNDER REVIEW 4516

Represented national party committee, Senate campaigns, and state parties in successful dismissal of complaint regarding party issue ad program.

SENATOR CHRIS DODD, SENATE ETHICS COMMITTEE INVESTIGATION

Represented U.S. Senator in connection with Senate Ethics Committee investigation (2009).

SENATOR ROBERT TORRICELLI, SENATE ETHICS COMMITTEE INVESTIGATION

Represented Senator Robert Torricelli (NJ) in connection with Senate Ethics Committee investigation.

SENATE RULES & ADMINISTRATION COMMITTEE ELECTION CONTEST

Represented Senate Rules & Administration Committee in connection with 1996 contested Senate seat in Louisiana (1997).

OFFICE OF THE SENATE DEMOCRATIC LEADER

Consultant to the Office of Senate Democratic Leader Tom Daschle in connection with the investigation of alleged fundraising abuses during the 1996 Presidential campaign (1997).

DAYTON 2010 RECOUNT

Lead Recount attorney for Governor Mark Dayton's 2010 Minnesota Governor's recount.

FRANKEN 2008 RECOUNT

Lead Recount attorney for Senator Al Franken's 2008 U.S. Senate recount.

CANTWELL 2000 RECOUNT

Counsel to U.S. Senator Maria Cantwell's United States Senate recount.

REID 1998 RECOUNT

Counsel to U.S. Senator Harry Reid's U.S. Senate recount.

NEWS

07.11.2019

Marc Elias Quoted in The Washington Post - To Unlock the Youth Vote in 2020, Democrats Wage Legal Fights Against GOP-Backed Voting Restrictions

General News

The Washington Post

Partner Marc Elias was quoted in *The Washington Post* article, "To Unlock the Youth Vote in 2020, Democrats Wage Legal Fights Against GOP-Backed Voting Restrictions," regarding the effect of the size of the millennial generation when it comes to election results.

06.20.2019

Perkins Coie Secures U.S. Supreme Court Win in Virginia Redistricting Case

Press Releases

WASHINGTON, D.C. (June 20, 2019) - Perkins Coie secured a significant 5-4 U.S. Supreme Court decision on June 17 for 12 Virginia voters in a constitutional challenge to a Virginia House of Delegates' redistricting map arising under the Equal Protection Clause of the Fourteenth Amendment.

06.20.2019

Perkins Coie Supreme Court Win Mentioned in Multiple Publications

General News

05.01.2019

Perkins Coie Named Among Top Law Firms in 2019 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States. For 2019, the firm is recognized in 52 practice areas and 139 individual attorneys.

01.03.2019

Perkins Coie Attorneys Mentioned in Law360 - Full 9th Circ. to Rehear Challenge to Ariz. Voting Laws

General News

Law360

Daniel C. Barr, Sarah R. Gonski, Marc E. Elias, Bruce V. Spiva, Elisabeth C. Frost, Amanda R. Callais and Alexander G. Tischenko were mentioned as representation for the DNC, the Democratic Senatorial Campaign Committee and the Arizona Democratic Party in the *Law360** article, "Full 9th Circ. to Rehear Challenge to Ariz. Voting Laws."

*Subscription-based publication

11.14.2018

Marc Elias Mentioned in Multiple Publications Regarding His Role in Election Recounts

General News

Marc Elias was mentioned in multiple publications regarding his role as election lawyer in past and present recounts.

08.20.2018

Best Lawyers® 2019 Recognizes 277 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 277 of its attorneys were selected by their peers for inclusion in the 2019 edition of *The Best Lawyers in America®*.

05.03.2018

Perkins Coie Named Among Top Firms in 2018 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States. For 2018, the firm is recognized in 51 practice areas and 130 individual attorneys were also recognized.

02.13.2018

Perkins Coie Named Appellate Group of the Year by Law360

Press Releases

Perkins Coie is pleased to announce that the firm's Appellate practice was named 2017 Appellate Group of the Year by *Law360*. Only five nationally ranked law firms received this distinction.

01.22.2018

Perkins Coie Awarded Appellate Group of the Year By Law360

General News

Law360

Law360 named Perkins Coie Appellate Group Of The Year for its outstanding appellate work.

Perkins Coie LLP's appellate attorneys were undefeated at the U.S. Supreme Court in the last term and delivered major wins in two voting rights cases, earning the firm a spot as one of *Law360*'s 2017 Appellate Groups of the Year.

10.30.2017

Perkins Coie and Partner Marc Elias Named to "The 2017 Appellate Hot List" by the National Law Journal

General News

Perkins Coie and Partner Marc Elias are among a list of 20 firms and attorneys included in the 2017 *National Law Journal* Appellate Hot List Honorees. The 2017 special report features an elite group of lawyers and law firms that posted hard-fought wins at the U.S. Supreme Court or in federal circuit courts. [Read the full article here.](#)

08.15.2017

35 Perkins Coie Attorneys Named 2018 Lawyers of the Year by Best Lawyers®

Press Releases

Perkins Coie is proud to announce that 35 of its attorneys have been named 2018 Lawyers of the Year by Best Lawyers®.

08.15.2017

Best Lawyers® 2018 Recognizes 281 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 281 of its attorneys were selected by their peers for inclusion in the 2018 edition of *The Best Lawyers In America®*.

08.13.2017

Marc Elias Quoted in ABA Journal Article - Will the Supreme Court get to 'a Bridge Too Far' in Big Cases Next Term?

General News

ABA Journal

Marc Elias was quoted in the *ABA Journal* article, "Will the Supreme Court get to 'a Bridge Too Far' in Big Cases Next Term," regarding the possibility that civil rights could be diluted by upcoming U.S. Supreme Court decisions.

08.11.2017

Marc Elias Interviewed by The National Law Journal

General News

The National Law Journal

Marc Elias sat down with *The National Law Journal* to discuss the uptick in business opportunities and job demands for election law attorneys in the relatively small field.

07.28.2017

Marc Elias Quoted in Multiple Articles Regarding the Launch of the We the Action Website

General News

Marc Elias was quoted in multiple articles regarding the launch of the We the Action website. We the Action is an online portal to connect lawyers with non-profits legal work waiting to be done, from reviewing leases and contracts to filing Social Security claims to potentially heading to court in immigration cases.

Politico - 07.28.2017 - Match Site Launches for Progressive Lawyers and Non-Profits

The Daily Dot - 07.28.2017 - Meet We the Action, a Website Connecting Lawyers and Nonprofits in the Age of Trump

Australasian Lawyer - 07.30.2017 - Women Still Under-Represented in Judiciary Says Study

06.26.2017

Perkins Coie, Marc Elias and Eric Miller Featured in Law360 - The Firms That Won Big At The Supreme Court

General News

Law360

Perkins Coie, Marc Elias and Eric Miller were featured in the *Law360* article, "The Firms That Won Big At The Supreme Court," regarding Perkins Coie going undefeated at the Supreme Court with 3 wins in 2017.

05.26.2017

Perkins Coie Named Among Top Firms In 2017 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States. For 2017, the firm is recognized in 40 practice areas and 131 individual attorneys were recognized.

05.22.2017

Marc Elias Quoted in Multiple Publications Regarding Supreme Court Decision to Return North Carolina Congressional Districts

General News

Marc Elias was quoted in multiple publications regarding the U.S. Supreme Court ruling that upheld the federal district court's decision that struck down North Carolina's 1st and 12th Congressional Districts as racial gerrymanders in violation of the Equal Protection Clause of the 14th Amendment.

05.22.2017

Perkins Coie Wins SCOTUS Ruling in North Carolina Congressional Redistricting Case

Press Releases

In a third time win for Perkins Coie attorney Marc Elias before the U.S. Supreme Court in redistricting lawsuits, on May 22, 2017, the Court upheld a federal district court decision that struck down North Carolina's 1st and 12th Congressional Districts as racial gerrymanders in violation of the Equal Protection Clause of the 14th Amendment.

03.15.2017

Marc Elias Featured in the National Journal - Wednesday Q & A With Marc Elias

General News

National Journal

Marc Elias was featured in the *National Journal* article, "Wednesday Q & A with Marc Elias," discussing the fight against gerrymandering and voter ID laws by Democrats.

03.01.2017

Marc Elias Quoted in Multiple Publications Regarding Supreme Court Decision to Return Virginia Voting District Case to Lower Court

General News

Multiple Publications

Marc Elias was quoted in multiple publications regarding the U.S. Supreme Court ruling that a lower court erred in deciding that 11 of 12 Virginia state legislative districts were not racially gerrymandered.

Partner Marc Elias Quoted on First on CNN - Democrats Prepare to Battle Trump on Voting Access

General News

First on CNN

Partner Marc Elias was quoted on *First on CNN* in the segment "Democrats Prepare to Battle Trump on Voting Access," regarding voting rights through out the United States.

01.23.2017

Marc Elias Quoted in The Hill - Supreme Court Rejects Texas Voter ID Appeal

General News

The Hill

Marc Elias was quoted in "Supreme Court Rejects Texas Voter ID Appeal," an article in *The Hill*, regarding the successful development to strike down efforts to suppress voter ID rights in Texas.

01.11.2017

Marc Elias Quoted in New York Times Article - Eric Holder to Lead Democrats' Attack on Republican Gerrymandering

General News

*New York Times**

Marc Elias was quoted in the *New York Times* article, "Eric Holder to Lead Democrats' Attack on Republican Gerrymandering" regarding Republican-drawn maps and party lines.

*Subscription based publication.

12.05.2016

Marc Elias Featured in the National Law Journal Supreme Court Brief Article - A SCOTUS Juggling Act for Perkins Coie's Marc Elias

General News

National Law Journal Supreme Court Brief

Marc Elias was featured in *National Law Journal Supreme Court Brief* article, "A SCOTUS Juggling Act for Perkins Coie's Marc Elias" noting that his arguments on two separate but related cases before the high court on Monday was just one of several career highlights this year alone.

Abha Khanna, Kevin Hamilton, Aria Branch and Elisabeth Frost were also mentioned regarding their contributions to both cases. To read more, [click here](#).

10.01.2016

Partner Mark Elias Mentioned in Politico - Plaintiffs in North Carolina Voting Rights Case Target Early Voting Restriction

General News

Politico

Partner Mark Elias was mentioned in a *Politico* article, "Plaintiffs in North Carolina Voting Rights Case Target Early Voting Restriction" regarding a court motion in North Carolina on early voting times and locations.

09.29.2016

Perkins Coie Attorney Marc Elias featured in TIME Magazine, "How Hillary Clinton's Allies Are Expanding the Vote Behind the Scenes"

General News

TIME

Marc Elias was featured in *TIME*, "How Hillary Clinton's Allies Are Expanding the Vote Behind the Scenes" regarding his efforts to challenge voter ID laws and expand early voting hours in key swing states. To continue reading [click here](#).

09.24.2016

Marc Elias Interviewed For PBS Weekend NewsHour - North Carolina and Maryland Challenge Gerrymandering

General News

PBS Weekend NewsHour

Marc Elias was interviewed for *PBS Weekend NewsHour* in a segment, "North Carolina and Maryland Challenge Gerrymandering," regarding the district voter boundaries for North Carolina and Maryland.

09.05.2016

Partner Marc Elias Quoted in Washington Post Article - Without Conservative Supreme Court Majority, Voter-Law Challengers Make Gains

General News

Washington Post

Partner Marc Elias was quoted in the *Washington Post* article "Without Conservative Supreme Court Majority, Voter-Law Challengers Make Gains," regarding election law appeals.

08.29.2016

Perkins Coie Attorneys Featured in Law360 Article - Wis. Voter ID Law Likely To Stay In Place For Election

General News

Law360

Perkins Coie attorneys Marc Elias, Bruce Spiva, Elisabeth Frost, Rhett Martin, Joshua Kaul, Charles Curtis Jr. and Bobbie Wilson were mentioned in the *Law360* article, "Wis. Voter ID Law Likely To Stay In Place For Election," regarding their representation of One Wisconsin Institute and Citizen Action of Wisconsin Education Fund and the firm's efforts in invalidating a Wisconsin voter ID law.

08.15.2016

Best Lawyers® 2017 Recognizes 252 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 252 of its attorneys were selected by their peers for inclusion in the 2017 edition of *The Best Lawyers In America®*, the oldest and most respected peer-review publication in the legal profession.

08.07.2016

Partner Marc Elias Featured in the Washington Post Article - The Crusade of a Democratic Superlawyer with Multimillion-Dollar Backing

General News

Washington Post

Partner Marc Elias was featured in the *Washington Post* article, "The Crusade of a Democratic Superlawyer with Multimillion-Dollar Backing," regarding his experience in political law and voting rights.

07.18.2016

Marc Elias Quoted in Law360 - Ex-Sidley Austin Atty Loses Bid To Block DNC Superdelegates

General News

Law360

Marc Elias was quoted in the *Law360* article, "Ex-Sidley Austin Atty Loses Bid To Block DNC Superdelegates," regarding the rejected lawsuit to keep superdelegates from voting at the Democratic National Convention.

07.14.2016

Marc Elias Quoted in Law360 - Ex-Sidley Austin Atty Moves To Block Dem Superdelegates

General News

Law360

Marc Elias was quoted in the *Law360* article, "Ex-Sidley Austin Atty Moves To Block Dem Superdelegates" regarding Hillary Clinton's status as the Democratic Party's presumptive nominee.

06.03.2016

Marc Elias Quoted in The Hill and The Boston Globe

General News

The Hill - "Reid looking into replacing Warren if she's Clinton's VP: report"

The Boston Globe - "Reid reviews scenarios for filling Senate seat if Warren is VP pick"

Mark Elias was quoted in *The Hill* and *The Boston Globe* regarding Hillary Clinton's potential running mate, Elizabeth Warren, and Massachusetts rules for filling a U.S. Senate seat vacancy should Warren be chosen.

05.27.2016

Perkins Coie Named Among Top Firms in 2016 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of Chambers USA: America's Leading Lawyers for Business, as one of the top law firms in the United States. For 2016, the firm is recognized in 37 practice areas and 127 individual attorneys were recognized.

05.23.2016

U.S. Supreme Court Decides 8-0 With Perkins Coie in Virginia Voting Rights Case

General News

Perkins Coie secured a unanimous victory in the U.S. Supreme Court, cementing a win for several Virginia voters previously obtained from a three-judge panel of the U.S. District Court of Virginia, which found Virginia's 3rd Congressional District to be an unconstitutional racial gerrymander.

04.14.2016

Marc Elias Quoted Regarding Arizona Voting Rights Lawsuit

General News

Marc Elias was quoted regarding the Arizona voting rights Democratic lawsuit in multiple publications including, *The Huffington Post*, *U.S. News & World Reports* and *MSNBC*.

03.21.2016

Marc Elias Appears Before U.S. Supreme Court Defending Voting Rights

General News

Marc Elias appeared before the U.S. Supreme Court on March 21, 2016 for an oral argument urging the high court to reject a Republican appeal over congressional districts in Virginia.

01.27.2016

Perkins Coie Honors 2016 Firm Diversity Champions

Press Releases

Perkins Coie is proud to announce the winners of its 2016 Diversity Champions Awards. Now in its second year, the Diversity Champions Awards are designed to recognize Perkins Coie lawyers and staff for their support and commitment to diversity as a key ingredient to driving excellence throughout the firm.

08.17.2015

Best Lawyers® 2016 Recognizes 245 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 245 of its attorneys were selected by their peers for inclusion in the 2016 edition of *The Best Lawyers In America®*, the oldest and most respected peer-review publication in the legal profession; a more than 10 percent increase over the 221 firm attorneys recognized by *Best Lawyers* in the 2015 edition.

06.16.2015

Partner Marc Elias Quoted in The Huffington Post

General News

The Huffington Post

Partner Marc Elias was quoted in *The Huffington Post* in an article titled, "As Hillary Clinton Pitches Voting Rights On The Trail, Her Counsel Looks To Fight For Them In Court," regarding three high-profile lawsuits against Republican-backed voting restrictions in Ohio, Virginia and Wisconsin that will disproportionately impact racial minorities.

06.04.2015

Perkins Coie's Marc Elias Featured on MSNBC's Hardball

General News

Hardball with Chris Matthews, MSNBC

Perkins Coie Partner Marc Elias appeared on the June 3 MSNBC program Hardball with Chris Matthews in a segment called "Fight for the Right to Vote". [Watch it here.](#)

05.19.2015

Perkins Coie Named Among Top Firms in 2015 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States.

04.12.2015

The Power Players Behind Hillary Clinton's Campaign

General News

Politico has published a guide to some of the most influential people in Hillary Clinton's 2016 presidential bid, including Marc Elias as general counsel.

12.04.2014

DNC Chair Wasserman Schultz Announces Democratic Victory Task Force Members

General News

Marc Elias was named as a member of The Democratic Victory Task Force by DNC chair representative Debbie Wasserman Schultz.

12.04.2014

DNC Rolls Out Midterm Task Force

General News

The announcement that Washington, D.C. partner Marc Elias has been appointed to the Democratic Victory Task Force, an initiative of the Democratic National Committee that aims to review recent elections and make suggestions moving forward, has been reported in *Politico* and many other national news outlets.

11.04.2014

Runoffs in Louisiana and Georgia could unleash expensive new campaign for Senate

General News

Washington, D.C.'s Marc Elias is profiled in an article titled, "Runoffs in Louisiana and Georgia could unleash expensive new campaign for Senate" in the November 4 edition of The Washington Post.

10.31.2014

Senate Democrats' Super Lawyer Preps for Overtime

General News

Washington, D.C.'s Marc Elias is profiled in an article titled, "Senate Democrats' Super Lawyer Preps for Overtime," in the October 31 edition of *Roll Call*.

10.15.2014

Arkansas Supreme Court Finds Voter ID Law Violates the State Constitution

General News

The Arkansas Supreme Court issued an opinion yesterday striking down the State's voter ID law on the ground that it violates the State Constitution's voter qualification clause, which exclusively provides the requirements that a voter must meet in order to participate in elections in Arkansas.

10.08.2014

Redistricting Victory In Virginia

Press Releases

A three-judge panel in the U.S. District Court for the Eastern District of Virginia ruled today that the Commonwealth's current congressional reapportionment plan violates the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution and ordered the Virginia legislature to enact a remedial plan by no later than April 1, 2015.

10.01.2014

Major Victory For Voters' Rights In North Carolina

Press Releases

In a major victory for voting rights, the Fourth Circuit today issued an order forbidding the State of North Carolina from implementing certain provisions in a law impeding voters rights in that state.

08.18.2014

Best Lawyers® 2015 Recognizes 221 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 221 of its attorneys were selected by their peers for inclusion in the 2015 edition of *The Best Lawyers In America®*, the oldest and most respected peer-review publication in the legal profession.

07.11.2014

Perkins Coie Wins Significant Victory in Florida Redistricting Case

Press Releases

In a case with national political implications, Perkins Coie won a significant victory on behalf of Florida voters who challenged the lawfulness of Florida's congressional voting map.

07.05.2014

Perkins Coie Partner Marc E. Elias Quoted in The New York Times

General News

Marc Elias was quoted in *The New York Times* in an article titled, "Students Joining Battle to Upend Laws on Voter ID," regarding how voter ID laws discriminate based on age.

08.21.2013

Best Lawyers 2014 Recognizes 206 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 206 of its attorneys were selected by their peers for inclusion in the 2014 edition of *The Best Lawyers In America®*.

09.12.2012

197 Perkins Coie Lawyers Recognized In 2013 Best Lawyers

Press Releases

Perkins Coie is proud to announce that 197 of its attorneys were selected by their peers for inclusion in the 2013 edition of *The Best Lawyers in America®*. Thirty-five attorneys were listed this year for the first time, representing a 22 percent increase in the number of Perkins Coie attorneys who appeared in the 2012 edition.

08.30.2012

Perkins Coie Successfully Represents Minority Voters in Texas Redistricting Case

Press Releases

Perkins Coie LLP successfully represented a group of African-American and Hispanic voters from Texas in a case involving discrimination in Texas voting maps [Texas v. United States, Civil Action No. 11-1303 (D.D.C. Aug. 28, 2012).].

08.31.2011

The Best Lawyers in America Recognizes 163 Perkins Coie Lawyers

Press Releases

Perkins Coie is proud to announce that 163 of its attorneys throughout the country were selected by their peers for inclusion in the 2012 edition of *The Best Lawyers in America*® (Copyright 2011 by Woodward/White, Inc., of Aiken, S.C.).

03.01.2011

Perkins Coie Named Among Top Firms in Chambers USA 2011

Press Releases

Perkins Coie proudly announces that once again it has been ranked by Chambers & Partners, publishers of Chambers USA: America's Leading Lawyers for Business, as a top law firm in the United States.

08.13.2010

The Best Lawyers in America Recognizes 143 Perkins Coie Lawyers

Press Releases

Perkins Coie is proud to announce that 143 of its attorneys throughout the country were selected by their peers for inclusion in the 2011 edition of *The Best Lawyers in America* (Copyright 2010 by Woodward/White, Inc., of Aiken, S.C.).

11.16.2009

Perkins Coie Names Marc Elias as Political Law Group Chair

Press Releases

Perkins Coie announced today Marc Elias will become the new chair of the firm's Political Law Group. Elias succeeds Bob Bauer who was recently appointed White House Counsel.

08.03.2009

The Best Lawyers in America Recognizes 141 Perkins Coie Lawyers

Press Releases

Perkins Coie is proud to announce that 141 of its attorneys across the country were selected for inclusion in the 2010 edition of *Best Lawyers of America*.

PUBLICATIONS

03.23.2018

FEC Releases NPRM for Disclaimers on Internet Communications

Updates

The Federal Election Commission took a step last week toward clarifying the "paid for by" and other disclaimer requirements that apply to political advertisements that appear on digital media.

09.05.2017

CEOs, Politics and the Law: Guidelines for a New Era in Corporate Social Speech

Updates

In recent weeks, America's CEOs have spoken out on social issues like never before, placing the business community firmly within the national debate.

2017

Political Participation in 2017: Top Legal Concerns for Your Company

Attorney Publications

Change has come to Washington, D.C. and state legislatures around the country. The fast pace of political changes ushered in during early 2017 can create both challenges and opportunities when it comes to complying with the rules governing corporate participation in the political process. Review our list of key areas to focus on when reviewing company practices and ways to navigate the most common issues that can arise.

06.20.2014

After McCutcheon

Attorney Publications

Harvard Law Review

In *McCutcheon v. Federal Election Commission*, the Supreme Court struck down the "biennial aggregate limit" — a federal law limiting the total amount of money that an individual may contribute to federal candidates, party committees, and political action committees ("PACs") in each two-year period. The per-candidate and per-committee limits (known as the "base limits") remain in

place, so the practical effect of *McCutcheon* is that individuals may now contribute the maximum amount to as many federal candidates, parties, and PACs as they please. [Read the full article.](#)

01.28.2010

Supreme Court Makes Landmark Decision on Political Advertising Funding

Updates

The U.S. Supreme Court issued its decision in *Citizens United v. FEC*, a case examining the legality of a documentary film released in 2008 about Hillary Clinton's candidacy for president. In a 5-4 ruling, the court struck down laws banning independent electoral and issue advocacy sponsored by nonprofit and for-profit corporations.

09.14.2009

Congress Can Better Voter Registration

Articles

Roll Call

05.03.2006

Client Update: Corporate Political Activity

Updates

For some time, the federal campaign finance law has restricted the ways that corporations can encourage or direct political action, by executives and lobbyists, intended to promote company legislative objectives or enhance its goodwill. Of particular concern to the Federal Election Commission has been what is known as "corporate facilitation."

PRESENTATIONS

08.12.2017

Advancing Civil Rights and Social Justice in the New Supreme Court

Speaking Engagements

Panelist

[2017 ABA Annual Meeting, Section of Civil Rights and Social Justice / New York, NY](#)

AREAS OF FOCUS

PRACTICES

- Political Law
- Political Law Litigation
- White Collar & Investigations
- Appellate Law
- Tax-Exempt Organizations
- Political Parties, Campaigns & Committees
- Corporate Political Activity
- Political Counsel for Tax-Exempt Organizations
- Litigation

BAR AND COURT ADMISSIONS

- District of Columbia
- Supreme Court of the United States
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court for the District of Columbia

EDUCATION

- Duke University School of Law, J.D., 1993
- Duke University, M.A., Political Science, 1993
- Hamilton College, B.A., Government, 1990

HIGHLIGHTS

Marc E. Elias



Professional Biography



ELISABETH (LIS) C. FROST | PARTNER

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Elisabeth "Lis" Frost, a partner in the Political Law group, has extensive experience representing voters, campaigns, political committees and others with an interest in the political process in state and federal courts. She has successfully litigated cases involving redistricting, voting rights and campaign finance, as well as those implicating important matters of First Amendment speech and association.

Lis has worked on several cases that have been considered or heard by the U.S. Supreme Court. In 2016 alone, she was a member of the teams that successfully briefed and argued three cases on redistricting before the U.S. Supreme Court: *Wittman v. Personhuballah*, *Bethune-Hill v. Virginia State Board of Elections*, and *McCrary v. Harris*. Lis also has experience litigating redistricting matters at the trial level and was part of both the trial and appellate teams in the case of *Romo v. Detzner*, obtaining a historic ruling that Florida's 2011 congressional map was an impermissible political gerrymander, in violation of the state constitution.

Lis has considerable experience successfully challenging repressive voting measures that make it more difficult for eligible voters to participate in the franchise. Most recently, Lis was the lead attorney in a voting rights matter challenging the Florida Secretary of State's restrictive interpretation of the state's early voting requirement, which the Secretary claimed prohibited placing early voting sites on college and university campuses. Lis obtained a preliminary injunction restraining the Secretary from enforcing that interpretation and, as a result, over 10 Florida schools offered early voting on campus for the first time in the 2018 November election, and over 57,000 voters cast ballots at those locations, none of which would have existed but for the injunction. Lis was also lead counsel in *Newton v. Walker*, in which she successfully obtained an order requiring Wisconsin Governor Scott Walker to call special elections to fill vacancies in two state legislative districts that had remained vacant for months after the former office holders resigned to work for the Governor. After Governor Walker refused to set special elections to allow the voters to fill those vacancies, Lis argued that the Governor's position was directly contrary to his plain and clear duties under Wisconsin law, and the Wisconsin courts agreed. Lis also was a part of the trial team that obtained a permanent injunction of a new and suppressive feature of Missouri's voter identification law—a sworn statement that voters presenting with certain types of identification were required to aver to under penalty of perjury, even though the statement inaccurately described the requirements of the law. As a result, voting was less confusing and more accessible for countless lawful, eligible Missouri voters in the November 2018 election.

Lis regularly litigates election-related issues that involve important First Amendment questions and has successfully used state anti-SLAPP statutes to obtain dismissal of litigation brought against candidates and campaigns by their political rivals. She has also achieved several victories in cases involving challenges to political nominations processes or involving ballot access issues.

Before joining Perkins Coie, Lis was an associate attorney at Cleary Gottlieb in New York and also served as a law clerk to two federal district court judges. Prior to law school, Lis worked as a criminal defense investigator, assisting attorneys with the representation of clients charged with state and federal crimes.

RELATED EMPLOYMENT

- Cleary Gottlieb Steen & Hamilton LLP, New York, NY, Associate, 2008 - 2009; Summer Associate, 2006
- Washington State House of Representatives, Office of Program Research, Olympia, WA, Legal Intern, 2005, 2006
- Criminal Defense Investigator, 2000 - 2004

CLERKSHIPS

- Hon. Margaret B. Seymour, U.S. District Court for the District of South Carolina, 2010 - 2011
- Hon. John C. Coughenour, U.S. District Court for the Western District of Washington, 2007 - 2008

EXPERIENCE

VOTING RIGHTS

PRIORITIES USA V. MISSOURI

Circuit Court of Cole County, Missouri

Obtained a significant victory, in October 2018, on behalf of Priorities USA and two Missouri voters in a lawsuit challenging the state's newly-enacted voter ID law under the Missouri Constitution. The law imposed new restrictions on voters who lacked photo ID by requiring them to execute an inaccurate and misleading affidavit, stating among other things that photo ID was required by law, in order to cast a regular ballot. Following a bench trial in September 2018, the circuit court judge struck down the affidavit requirement as unconstitutional, and permanently enjoined the state from disseminating advertisements or publishing materials that suggest photo ID is required to vote. The state subsequently petitioned the Missouri Supreme Court for an emergency stay of the trial court's injunction, which the Supreme Court denied. As a result, Missouri law now provides several different options for voting, with or without photo ID, that are more expansive than any voter ID law implemented in the state since 2002. The state's appeal is currently pending.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS V. IOWA SECRETARY OF STATE

Supreme Court of Iowa

District Court of Iowa, Polk County

Represented the League of United Latin American Citizens (LULAC) of Iowa and a college-aged voter in a lawsuit challenging a 2017 Iowa law under the Iowa Constitution. The law instituted new absentee voter requirements and a voter identification requirement for in-person voting starting in 2019. The lawsuit sought a temporary injunction to stop the enforcement of absentee ballot restrictions, which would require voters to provide an identification number to request an absentee ballot, shorten the absentee voting period, and allow election officials to reject absentee applications and ballots based on the voter's signature. The motion also requested a temporary injunction against the Secretary of State misinforming voters about identification requirements for the 2018 election. The Polk County District Court granted the motion for a temporary injunction on all grounds. Upon appeal by the Secretary of State, the Iowa Supreme Court allowed the shortened absentee voting period to go into effect, but affirmed the temporary injunction on all other grounds. The litigation is ongoing.

FLORIDA EARLY VOTING VICTORY

Represented voting advocacy organizations and several young Florida voters in a lawsuit challenging the Secretary of State's restrictive interpretation of the early voting statute, to prohibit the placement of early voting sites on college campuses. The lawsuit sought a preliminary injunction prohibiting the Secretary from enforcing the statute consistent with that interpretation and affirmatively restoring to the local supervisors of election the discretion to offer early voting on campuses. After a hearing, the district court judge granted the motion for a preliminary injunction in an order that found that plaintiffs were likely to succeed on both their claims under not just the Equal Protection Clause, but also the 26th Amendment, creating important new precedent in voting rights cases that challenge elections procedures that can be shown to intentionally discriminate against young voters.

BETHUNE-HILL V. VIRGINIA STATE BOARD OF ELECTIONS

U.S. District Court for the Eastern District of Virginia

Represented 12 Virginia voters in constitutional challenge to Virginia House of Delegate redistricting plan arising under the Equal Protection Clause of the Fourteenth Amendment. Perkins Coie secured a significant victory on behalf of Virginia voters on June 26, 2018, when the United States District Court for the Eastern District of Virginia, in Richmond held that 11 of the House of Delegates districts were unconstitutional racial gerrymanders in violation of the Fourteenth Amendment.

COOPER V. HARRIS

Supreme Court of the United States

U.S. District Court for the Middle District of North Carolina

Secured a victory in the U.S. Supreme Court on May 22, 2017 on behalf of two North Carolina residents seeking invalidation of North Carolina's 1st and 12th Congressional Districts as racial gerrymanders in violation of the Equal Protection Clause of the 14th Amendment. Following trial in October 2015, on February 6, 2016, a three-judge panel of the U.S. District Court for the Middle District of North Carolina found in our team's favor, striking down the congressional plan originally drawn in 2011, enjoining further elections under it, and directing the North Carolina General Assembly to adopt a new map. The three-judge panel then denied the defendants' motion to stay, as did the U.S. Supreme Court. The Supreme Court Opinion, authored by Justice Kagan, upheld the district court's judgment that the North Carolina General Assembly had unlawfully used race to draw congressional districts.

WISCONSIN VOTING RIGHTS VICTORY

Secured a significant victory in Wisconsin striking down eight recently-enacted voting restrictions, including those involving strict voter identification requirements and substantial restrictions to early and absentee voting. The judge found a number of the challenged provisions unconstitutional, including the voter ID law as implemented, restrictions on the use of student ID as voter ID,

certain restrictions that limited early and absentee voting, and a provision that increased the residency requirement before an otherwise eligible voter may participate in elections in Wisconsin. The court further affirmatively ordered the state to issue valid photo IDs for voters who are trying to obtain them but lack certain credentials (e.g. birth certificates).

NORTH CAROLINA VOTING RIGHTS CHALLENGE

Represented a group of North Carolina voters in a federal voting rights litigation in which a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit issued a unanimous ruling that the State's Republican-led General Assembly intentionally discriminated against African Americans when it enacted several new voting restrictions in 2013. The Fourth Circuit reversed the district court's dismissal of all of the plaintiffs' claims in *North Carolina State Conference of the NAACP, et al. v. McCrory, et al.*, finding that North Carolina's elimination of same day registration, out-of-precinct provisional voting, preregistration, reduction of early voting, and enactment of voter-ID law were unconstitutional and in violation of the 14th Amendment and Section 2 of the Voting Rights Act. The decision invalidates the changes to North Carolina's voting mechanisms, meaning that same-day registration, out-of-precinct provisional voting, preregistration, and the lost early voting days will be reinstated. North Carolina's voter ID law is also completely enjoined.

U.S. SUPREME COURT RACIAL GERRYMANDERING VICTORY

Secured a unanimous victory in the U.S. Supreme Court, cementing a win for several Virginia voters previously obtained from a three-judge panel of the U.S. District Court of Virginia, which found Virginia's 3rd Congressional District to be an unconstitutional racial gerrymander. In a vote of 8-0, the Court dismissed the appeal, brought by Virginia's Republican Congressional delegation, who had intervened as defendants in the action, based on argument that the delegation lacked standing to maintain the appeal.

NEVADA VOTER ID LAW

Successfully challenged, at the nascent signature-gathering stage, a petition that, if successful, would have amended the Nevada Constitution to require voters to present photo identification to cast an in-person ballot.

FLORIDA CONGRESSIONAL REAPPORTIONMENT VICTORY

Represented a group of Florida voters in a successful challenge to the state's congressional reapportionment map, brought under a new provision in the state constitution prohibiting political gerrymandering.

VOTER ID CHALLENGE IN ARKANSAS

Submitted an amicus brief on behalf of a voting rights organization in support of the successful challenge to Arkansas's voter identification law, which the Arkansas Supreme Court struck down as contrary to the state constitution.

VIRGINIA LONG LINES SETTLEMENT

Successfully represented the Democratic Party of Virginia and two Virginia voters in settlement negotiations with the Virginia State Board of Elections and the Virginia Department of Elections that culminated in a favorable consent decree in which the Board and Department agreed to take critical, significant steps to remedy Virginia's historical problem with long wait times to vote.

CAMPAIN FINANCE

COUNSEL TO PAC IN PENNSYLVANIA

Represented a PAC in a successful challenge against certain provisions in Pennsylvania's campaign finance laws and negotiated an agreement with the state to pay the client's attorneys' fees.

ELECTION LITIGATION

THE DEMOCRATIC PARTY OF VIRGINIA V. VIRGINIA STATE BOARD OF ELECTIONS

Obtained an injunction and writ of mandamus requiring the Virginia State Board of Elections and local elections administrators to remove an independent candidate from the ballot in a congressional race where the candidate obtained the requisite number of signatures to qualify for the ballot only by the efforts of several paid staffers of the incumbent Republican Congressman, who were found to have forged signatures on the petitions that they claimed to have "circulated" on the candidate's behalf. After briefing and an evidentiary hearing, where the court considered, among other things, over 40 affidavits from voters whose names were forged on the petition, testimony from a handwriting expert, and affidavits sworn to and signed by four of the incumbent congressman's staffers affirming that if called to the stand and asked if there were forgeries on the petitions that they submitted they would invoke their Fifth Amendment right not to testify, the court announced that the candidate was improperly qualified.

NEWTON V. WALKER

Court of Appeals of Wisconsin

Obtained a writ of mandamus requiring Governor Scott Walker of Wisconsin to call special elections in two legislative districts left vacant when the former office holders resigned to take positions in the Governor's administration. In the process of the litigation, which lasted, in all, a little over four weeks, the case was argued before two different judges and presented to three different courts (two judges in the circuit court and a court of appeals). At each stage, the courts ruled in favor of the eight Wisconsin voters on whose behalf the case was filed, culminating in an order issued by the Wisconsin Court of Appeals, which, in denying Governor Walker's request for an extension of time to comply with the writ of mandamus, wrote: "We ... disagree with the Governor's assertion that the special elections 'are an unnecessary waste of taxpayer resources and confusing to voters.' . . . Representative government and the election of our representatives are never 'unnecessary,' [and] never a 'waste of taxpayer resources'". Governor Walker complied with the court order and called the special elections on March 29, 2018.

ANTI-SLAPP VICTORY IN CALIFORNIA

Obtained an order under California's anti-SLAPP statute dismissing action brought by failed Republican challenger to incumbent member of Congress alleging defamation and intentional infliction of emotional distress from campaign advertisements run during the election cycle.

VIRGINIA NOMINATION PROCESS CHALLENGE

Successfully defended the Democratic Party of Virginia against a lawsuit that challenged the Party's First Amendment right to choose the means by which it selected its nominee in a special election to fill a vacant seat in the Virginia House of Delegates.

VIRGINIA BALLOT CHALLENGE

Successfully defended the Virginia Democratic Party against a motion for a preliminary injunction that, if granted, would have halted the printing of ballots for a primary election and required court review of the Party's decision not to certify a candidate for the ballot.

HAWAII 17TH AMENDMENT CHALLENGE

Obtained an order dismissing a complaint that argued that Hawaii's interim appointment and elections process for filling Senate vacancies violated the Seventeenth Amendment of the U.S. Constitution.

TRIUMPH IN KANSAS BALLOT CHALLENGE

Challenged successfully Kansas Secretary of State Kris Kobach's refusal to remove a candidate's name from the ballot in the weeks before the election.

DISMISSAL OF NADER SUIT IN MAINE

Obtained an order under Maine's anti-SLAPP statute dismissing an action brought by Ralph Nader against the Kerry-Edwards presidential campaign and the Maine Democratic Party.

NEWS

01.03.2019

Perkins Coie Attorneys Mentioned in Law360 - Full 9th Circ. to Rehear Challenge to Ariz. Voting Laws

General News

Law360

Daniel C. Barr, Sarah R. Gonski, Marc E. Elias, Bruce V. Spiva, Elisabeth C. Frost, Amanda R. Callais and Alexander G. Tischenko were mentioned as representation for the DNC, the Democratic Senatorial Campaign Committee and the Arizona Democratic Party in the *Law360** article, "Full 9th Circ. to Rehear Challenge to Ariz. Voting Laws."

*Subscription-based publication

05.22.2017

Perkins Coie Wins SCOTUS Ruling in North Carolina Congressional Redistricting Case

Press Releases

In a third time win for Perkins Coie attorney Marc Elias before the U.S. Supreme Court in redistricting lawsuits, on May 22, 2017, the Court upheld a federal district court decision that struck down North Carolina's 1st and 12th Congressional Districts as racial gerrymanders in violation of the Equal Protection Clause of the 14th Amendment.

01.03.2017

Perkins Coie Announces 2017 Partner Class

Press Releases

Perkins Coie is pleased to announce that 24 counsel and senior counsel have been promoted to partner.

12.05.2016

Marc Elias Featured in the National Law Journal Supreme Court Brief Article - A SCOTUS Juggling Act for Perkins Coie's Marc Elias

General News

National Law Journal Supreme Court Brief

Marc Elias was featured in *National Law Journal Supreme Court Brief* article, "A SCOTUS Juggling Act for Perkins Coie's Marc Elias" noting that his arguments on two separate but related cases before the high court on Monday was just one of several career highlights this year alone.

Abha Khanna, Kevin Hamilton, Aria Branch and Elisabeth Frost were also mentioned regarding their contributions to both cases. To read more, [click here](#).

08.29.2016

Perkins Coie Attorneys Featured in Law360 Article - Wis. Voter ID Law Likely To Stay In Place For Election

General News

Law360

Perkins Coie attorneys Marc Elias, Bruce Spiva, Elisabeth Frost, Rhett Martin, Joshua Kaul, Charles Curtis Jr. and Bobbie Wilson were mentioned in the *Law360* article, "Wis. Voter ID Law Likely To Stay In Place For Election," regarding their representation of One Wisconsin Institute and Citizen Action of Wisconsin Education Fund and the firm's efforts in invalidating a Wisconsin voter ID law.

05.23.2016

U.S. Supreme Court Decides 8-0 With Perkins Coie in Virginia Voting Rights Case

General News

Perkins Coie secured a unanimous victory in the U.S. Supreme Court, cementing a win for several Virginia voters previously obtained from a three-judge panel of the U.S. District Court of Virginia, which found Virginia's 3rd Congressional District to be an unconstitutional racial gerrymander.

02.02.2015

Perkins Coie Announces 2015 Counsel Promotions

Press Releases

Perkins Coie has announced that 46 attorneys have been promoted to the firm's counsel position, effective January 1, 2015.

10.15.2014

Arkansas Supreme Court Finds Voter ID Law Violates the State Constitution

General News

The Arkansas Supreme Court issued an opinion yesterday striking down the State's voter ID law on the ground that it violates the State Constitution's voter qualification clause, which exclusively provides the requirements that a voter must meet in order to participate in elections in Arkansas.

10.08.2014

Redistricting Victory In Virginia

Press Releases

A three-judge panel in the U.S. District Court for the Eastern District of Virginia ruled today that the Commonwealth's current congressional reapportionment plan violates the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution and ordered the Virginia legislature to enact a remedial plan by no later than April 1, 2015.

10.01.2014

Major Victory For Voters' Rights In North Carolina

Press Releases

In a major victory for voting rights, the Fourth Circuit today issued an order forbidding the State of North Carolina from implementing certain provisions in a law impeding voters rights in that state.

07.11.2014

Perkins Coie Wins Significant Victory in Florida Redistricting Case

Press Releases

In a case with national political implications, Perkins Coie won a significant victory on behalf of Florida voters who challenged the lawfulness of Florida's congressional voting map.

AREAS OF FOCUS

PRACTICES

- Political Law
- Political Law Litigation
- Appellate Law

BAR AND COURT ADMISSIONS

- District of Columbia
- New York
- Supreme Court of the United States
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. District Court for the District of Columbia

- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of Wisconsin

EDUCATION

- University of Washington School of Law, J.D., with honors, Order of the Coif, 2007, Editor-in-Chief, *Washington Law Review*
- Carleton College, B.A., English Literature, awarded distinction, 1999

Professional Biography



KEVIN J. HAMILTON | PARTNER

Firmwide Chair, Retail & Consumer Products Group

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Kevin J. Hamilton focuses his practice on labor and employment counseling and litigation. Mr. Hamilton has addressed, through counseling, negotiation, or litigation, a broad range of key issues critical to the modern workplace. Mr. Hamilton has extensive experience with non-competition, trade secret, discrimination, multiple plaintiff and wrongful discharge litigation. Mr. Hamilton chairs the firm's nationally-recognized Retail & Consumer Industry practice, including more than 260 lawyers throughout the firm who focus on issues across the spectrum confronting the retail and consumer products industry.

Mr. Hamilton has worked closely with a wide variety of clients on employment-related issues, including Starbucks, Microsoft, Vulcan Inc., Eddie Bauer, The Boeing Company, Intellectual Ventures, Puget Energy, Amazon.com, F-5 Networks, Outdoor Voices, Alpha Technologies and J.Crew, among others.

In addition, Mr. Hamilton has deep experience with election and political law, including recounts, election contests, redistricting, Voting Rights Act litigation, campaign finance issues, and the administration of elections. Mr. Hamilton has represented numerous candidates in statewide recounts, including North Carolina Governor Roy Cooper (2016), Virginia Attorney General Mark Herring (2013), Minnesota Governor Mark Dayton (2010), Minnesota Senator Al Franken (2008), Washington Governor Christine Gregoire (2004), and Washington Senator Maria Cantwell (2000). Mr. Hamilton represented both Senator Franken and Governor Gregoire as trial counsel in election contests in 2005 (Gregoire) and 2009 (Franken).

Mr. Hamilton has represented Democrats in litigation challenging congressional and state legislative redistricting plans in Texas, Florida, Virginia, Ohio, Nevada, Minnesota, New York, North Carolina and elsewhere. In the 2016 election cycle, Mr. Hamilton was involved in litigation over voter registration deadlines in Florida, North Carolina and Arizona.

Other election law clients have included the Washington State Democrats, Jay Inslee for Governor (2012 and 2016), U.S. Senator Patty Murray (2004 and 2010), U.S. Senator Maria Cantwell (2000, 2006, 2012), Darcy Burner for Congress (2006 and 2008), Suzan DelBene (2010), Washington Families Standing Together (supporting Referendum 71, 2009), King County Executive Dow Constantine (2009), and various other federal, state and local candidates.



Ranked by Chambers USA Eight Years in a Row

PROFESSIONAL RECOGNITION

- American College of Trial Lawyers, Fellow
- Named among *BTI Client Service All-Stars*, 2019
- Listed in *Chambers USA*, "America's Leading Labor and Employment Lawyers," 2012 - 2019
- Named Best Lawyers' Seattle, "Litigation - Labor and Employment Lawyer of the Year," 2015

- Listed in *The Best Lawyers in America* 2007 - Present: Commercial Litigation; Employment Law - Management; Labor Law - Management; Litigation - First Amendment; Litigation - Labor and Employment
- Listed in *Super Lawyers Magazine*, "Washington's Super Lawyers," 2003 - 2018
- Listed in Corporate Counsel, "Labor & Employment Law," 2008
- Listed in Seattle Metropolitan Magazine, "Best Lawyers"
- Peer Review Rated AV in Martindale-Hubbell
(AV®, BV® and CV® are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies.)

PROFESSIONAL LEADERSHIP

- ABA, Section of Litigation, Associate Editor, *Litigation Magazine*
- The American Law Institute (ALI), Member
- Principles of Election Law; The American Law Institute, Adviser
- King County Redistricting Commission, Member, 1996
- American Employment Law Council (AELC), Member
- Georgetown University Law Center Alumni Board, Member

COMMUNITY INVOLVEMENT

- YMCA Youth & Government Board, Member

CLERKSHIPS

- Hon. J. Skelly Wright, U.S. Court of Appeals for the District of Columbia Circuit, 1985 - 1986
- Hon. Howard Holtzman, Iran-United States Claims Tribunal, 1986 - 1987

EXPERIENCE

LABOR & EMPLOYMENT

BAILEY V. ALPHA TECHNOLOGIES INCORPORATED, ET AL.

U.S. District Court for the Western District of Washington

Represented Alpha Technologies and Altair Advanced Industries and their respective CEOs in a hotly contested public policy wrongful termination, defamation, and wage-and-hour case brought by a former senior international buyer. All claims except the wrongful termination claim were dismissed on motions to dismiss or on summary judgment. After a six-day trial, the court granted defendants' motion for a directed verdict and dismissed the sole remaining claim against all four defendants. The court also entered judgment against the plaintiff on the defendants' counterclaim on several outstanding promissory notes, with attorneys' fees and interest.

AIRLINES FOR AMERICA V. PORT OF SEATTLE, ET AL.

U.S. District Court for the Western District of Washington

Represented trade group for major American air carriers in challenge to wage ordinance adopted by the Port of Seattle, imposing minimum wage, training, and other requirements. Case involves challenge based on labor preemption, Airline Deregulation Act (ADA), and state statutory authority issues.

STATE OF WASHINGTON V. GROCERY MANUFACTURERS ASSOCIATION

Superior Court of Washington, Thurston County

Represented Biotechnology Industry Association, a third party in the underlying litigation, objecting to the State's subpoena for documents in connection with underlying litigation over campaign finance disclosure allegations.

ISOFTSTONE V. LAUNCH CONSULTING, INC.

ISOFTSTONE V. LAUNCH CONSULTING AND WANIS NADIR

ISOFTSTONE V. LAUNCH CONSULTING AND JEFFREY HIGGINS

Superior Court of Washington, King County

Represented iSoftStone in several coordinated lawsuits against employees and new employers in lawsuits to enforce non-competition and confidentiality agreements.

CEDAR GROVE COMPOSTING, INC. V. CITY OF MARYSVILLE

DAVIS V. CEDAR GROVE COMPOSTING, INC.

Superior Court of Washington, Snohomish County

Represented Strategies 360, a political consulting firm and a third party in the litigation, objecting to serial subpoenas for documents. Obtained order quashing overbroad subpoena.

KATHY LEODLER V. VULCAN INC., ET AL.

JEFF BENOIT V. VULCAN INC., ET AL.

THOMAS ROSEHALEY V. VULCAN INC., ET AL.

TRACI TURNER V. VULCAN INC., ET AL.

RAMON SANDOVAL V. VULCAN INC., ET AL.

Superior Court of Washington, King County

Represented Vulcan and principals in litigation and arbitration arising over workplace disputes.

MMMT HOLDINGS CORPORATION V. NSGI

U.S. District Court for the Western District of Washington

Represented MMMT Holdings in litigation arising over valuation of flour mills in international sale transaction.

WILEY V. MICROSOFT

Superior Court of Washington, King County

Represented Microsoft in defense of gender discrimination, retaliation, and employment "handbook" claim. After extensive discovery, summary judgment granted dismissing all claims on eve of trial.

MICROSOFT V. MISZEWSKI

Superior Court of Washington, King County

Represented Microsoft in successful enforcement of non-competition agreement against departing employee and his new employer. Court entered preliminary injunction enforcing noncompetition agreement.

LESANN MCENROE V. MICROSOFT CORPORATION

U.S. District Court for the Eastern District of Washington

Represented Microsoft in Americans with Disabilities Act discrimination lawsuit by difficult pro se plaintiff. The Court ultimately dismissed every claim brought by the plaintiff, ruling on two separate motions to dismiss and, ultimately, a final summary judgment dismissing the remaining claims and entering judgment for the defendant, Microsoft.

KARL LEAVERTON V. RBC CAPITAL MARKETS CORPORATION, ET AL.

U.S. District Court for the Western District of Washington

Represented RBC Capital Markets in age discrimination and ERISA lawsuit involving ERISA and age discrimination claims asserted by former co-President of RBC Wealth Management. Court dismissed ERISA claims on summary judgment, after which the parties resolved the remaining claims amicably.

FLUKE CORPORATION AND DANAHER CORPORATION V. MILWAUKEE ELECTRIC TOOL COMPANY, ET AL.

Superior Court of Washington, King County

Represented Fluke Corporation and Danaher Corporation in noncompetition and misappropriation of trade secrets case against several former employees and their new employer, Milwaukee Tool. Secured temporary restraining order and, after expedited discovery and a one-week evidentiary hearing, a preliminary injunction.

UTILX V. BERTINI, ET AL.

Superior Court of Washington, King County

Represented UTILX in aggressive litigation enforcing noncompetition agreement and trade secrets misappropriation claims involving silicone injection technology for buried power cable life extension. Six-week jury trial resulted in verdict for UTILX and entry of injunction extending and enforcing noncompetition against defendant Bertini.

JONES, ET AL. V. THE BOEING COMPANY

Superior Court of Washington, King County

Represented Boeing in defense of race discrimination and retaliation claims brought by twelve current and former Boeing employees, who opted out of class action settlement, and pursued aggressive litigation over 5-year period. All claims either dismissed or dropped.

HOM-ENG, ET AL. V. STARBUCKS CORPORATION, ET AL.

U.S. District Court for the Western District of Washington

Represented Starbucks and several senior executives in connection with multi-plaintiff sex harassment, discrimination, and retaliation claims.

MALDEN MILLS V. DYERSBURG FABRICS

Superior Court of Washington, King County

Represented Dyersburg Fabrics and individual employee defending against enforcement of noncompetition agreement. One-day injunction hearing resulted in denial of motion for preliminary injunction.

MARTIN WILLIAMS V. THE BOEING COMPANY

U.S. District Court for the Western District of Washington 12676

Represented Boeing in federal and state race retaliation claims brought by former Boeing machinist. Defense verdict obtained on all counts following two-week jury trial. Trial court was affirmed on appeal, Williams v. Boeing, 166 F.3d 1219 (9th Cir. 1999).

BYNUM, ET AL. V. THE BOEING COMPANY

Superior Court of Washington, King County

State Court of Appeals of Washington

Represented Boeing in defense of 18-plaintiff breach of contract and fraud in employment claims. Seven-week jury trial resulted in unanimous defense verdicts for Boeing across the board for all plaintiffs on all claims. Verdicts were affirmed on appeal. Bynum, et al. v. The Boeing Co., 85 Wn. App. 1065 (1997).

SEATTLE MUNICIPAL COURT

Represented the Seattle Municipal Court and all of its judges in dispute with the City of Seattle over the elimination of a judicial position. The dispute was resolved amicably after an exchange of correspondence.

POLITICAL LAW

LARSON, ET AL. V. STATE OF MONTANA AND THE MONTANA GREEN PARTY

Represented Montana Democratic Party and several voters in a successful challenge to the Montana Green Party ballot qualification petition on the grounds that it did not gather enough valid signatures to get its candidates on the ballot for the 2018 election year. After the trial court ruling in plaintiffs' favor, Montana Supreme Court summarily affirmed.

COOPER V. HARRIS

Supreme Court of the United States

U.S. District Court for the Middle District of North Carolina

Secured a victory in the U.S. Supreme Court on May 22, 2017 on behalf of two North Carolina residents seeking invalidation of North Carolina's 1st and 12th Congressional Districts as racial gerrymanders in violation of the Equal Protection Clause of the 14th Amendment. Following trial in October 2015, on February 6, 2016, a three-judge panel of the U.S. District Court for the Middle District of North Carolina found in our team's favor, striking down the congressional plan originally drawn in 2011, enjoining further elections under it, and directing the North Carolina General Assembly to adopt a new map. The three-judge panel then denied the defendants' motion to stay, as did the U.S. Supreme Court. The Supreme Court Opinion, authored by Justice Kagan, upheld the district court's judgment that the North Carolina General Assembly had unlawfully used race to draw congressional districts.

FLORIDA DEMOCRATIC PARTY V. SCOTT

U.S. District Court for the Northern District of Florida

Represented Florida Democratic Party in a lawsuit alleging claims under the Equal Protection Clause and Voting Rights Act based on Florida's refusal to extend voter-registration deadlines for the 2016 general election in light of Hurricane Matthew. Obtained injunction requiring Florida to extend registration deadlines, allowing more than 100,000 voters to register for the election.

PAGE, ET AL. V. VIRGINIA STATE BOARD OF ELECTIONS

Secured a unanimous victory in the U.S. Supreme Court, cementing a win for several Virginia voters previously obtained from a three-judge panel of the U.S. District Court of Virginia, which found Virginia's 3rd Congressional District to be an unconstitutional racial gerrymander. In a vote of 8-0, the Court dismissed the appeal, brought by Virginia's Republican Congressional delegation, who had intervened as defendants in the action, based on argument that the delegation lacked standing to maintain the appeal.

BETHUNE-HILL V. VIRGINIA STATE BOARD OF ELECTIONS

U.S. District Court for the Eastern District of Virginia

Represented 12 Virginia voters in constitutional challenge to Virginia House of Delegate redistricting plan arising under the Equal Protection Clause of the Fourteenth Amendment. Perkins Coie secured a significant victory on behalf of Virginia voters on June 26, 2018, when the United States District Court for the Eastern District of Virginia, in Richmond held that 11 of the House of Delegates districts were unconstitutional racial gerrymanders in violation of the Fourteenth Amendment.

HARRIS V. MCCRORY

U.S. District Court for the Middle District of North Carolina

Represented several North Carolina voters in challenge to North Carolina redistricting scheme as violative of the Fourteenth Amendment Equal Protection Clause.

WARINNER V. DETZNER

U.S. District Court for the Middle District of Florida

Represented several Florida voters in challenge to a Florida congressional redistricting as racial gerrymander in violation of Fourteenth Amendment.

STATE OF TEXAS V. UNITED STATES

U.S. District Court for the District of Columbia

Represented several voters in federal Voting Rights Act preclearance action under Section 5 to Texas federal congressional redistricting.

PEREZ, ET AL. V. PERRY, ET AL.

U.S. District Court for the Western District of Texas

Represented several voters in Voting Rights Act, Section 2, challenge to Texas federal congressional redistricting.

ROMO V. DETZNER

Second Judicial Circuit of Florida, Leon County

Litigation on behalf of Florida voters challenging the lawfulness of Florida's congressional voting map under Florida Constitution which prohibits the legislature from drawing voting maps that favor one political party over another or that protect incumbent members of the United States Congress. After more than two years of intensive discovery battles that included a landmark interlocutory ruling from the Supreme Court of Florida allowing the deposing of sitting members of the Florida Legislature, the case went to trial in May 2014. Court found violation and invalidated map. No. 2012 - CA -00412 (Fla. Cir. Ct. Leon County)

BARBER FOR CONGRESS V. ARIZONA

U.S. District Court for the District of Arizona

Represented Ron Barber for Congress Campaign in preliminary injunction hearing over failure of Arizona counties to include wrongfully-rejected absentee and provisional ballots in recount of closely-watched congressional election.

PAGE V. VIRGINIA STATE BOARD OF ELECTIONS

U.S. District Court for the Eastern District of Virginia

Represented several individual voters in challenge to Virginia's congressional redistricting arising under the Equal Protection Clause of the Fourteenth Amendment for unconstitutional use of race in redistricting. Following a bench trial, court entered judgment finding a violation. Decision was subsequently vacated by the U.S. Supreme Court and remanded for further consideration in light of Alabama Legislative Black Caucus v. State of Alabama (No. 13-895) (Mar. 25, 2015). On June 5, 2015, the three-judge panel reaffirmed its prior decision and ordered the Virginia General Assembly to redraft the Congressional districting plan by September 1, 2015. No. 3:13 cv 678 (E.D. Va. Jun. 5, 2015)

OBENSHAIN V. VIRGINIA ATTORNEY GENERAL MARK HERRING

Circuit Court Virginia, Henrico County

Represented Virginia Attorney General Mark Herring in statewide recount and related Virginia State court proceedings governing recount procedure and certification. Court confirmed the results of the recount, holding that Mark Herring had received the highest number of lawfully cast ballots and was entitled to receive the certificate of election.

CHARLES WILSON, ET AL. V. GOVERNOR JOHN KASICH, ET AL.

Supreme Court of Ohio

Represented several individual voters in redistricting challenge to Ohio reapportionment under Ohio State Constitution in action filed under original jurisdiction of Ohio Supreme Court.

WASHINGTON STATE DEMOCRATIC CENTRAL COMMITTEE V. WASHINGTON STATE SECRETARY OF STATE

Superior Court of Washington, Thurston County

Represented Washington State Democrats in preliminary injunction action challenging use of "GOP" description on gubernatorial ballot by Republican gubernatorial candidate Dino Rossi.

GUY V. MILLER

U.S. District Court for the District of Nevada

Appearance in advocacy during Nevada congressional redistricting proceedings in Las Vegas and Carson City.

IN RE PETITION REGARDING 2010 GUBERNATORIAL ELECTION (MINNESOTA GOV. MARK DAYTON)

Minnesota State Canvassing Board (St. Paul)

Represented Minnesota's now-Governor-Elect Mark Dayton in this action filed in the Minnesota Supreme Court under that Court's original jurisdiction. The action sought an injunction relating to the recount of the 2010 gubernatorial election and was handled on a highly accelerated basis, resulting in a unanimous decision in favor of Governor-Elect Dayton. Also represented Governor-Elect Dayton before the Minnesota State Canvassing Board in connection with the recount, which culminated in the certification of Mr. Dayton's election on Wednesday, December 8, 2010.

IN RE CONTEST OF GENERAL ELECTION HELD ON NOV. 4, 2008 (U.S. SENATOR AL FRANKEN)

Supreme Court of Minnesota

Represented U.S. Senator Al Franken in six-week recount involving nearly three million ballots—the largest in American history—and subsequent election contest and related seven-week trial before three-judge panel. Represented Senator Franken in several related proceedings before the Minnesota lower courts and Supreme Court. 767 N.W.2d 453 (Minn. 2009). Three-judge trial court ultimately concluded, unanimously, that Al Franken had received the highest number of votes legally cast in the 2008 general election for United States Senator and therefore was entitled to receive the certificate of election. Final margin was 312 votes (out of 2.9 million ballots cast).

BORDERS, ET AL. V. KING COUNTY, ET AL. AND WASHINGTON STATE DEMOCRATIC CENTRAL COMMITTEE (WASHINGTON GOV. CHRISTINE GREGOIRE)

Superior Court of Washington, Chelan County

Represented Washington State Democratic Central Committee during the course of the recount and subsequent election contest of Washington's 2004 gubernatorial election, the closest gubernatorial election in United States history. After two-week election contest trial, the court concluded that Governor Gregoire had received the highest number of lawfully cast ballots in the 2004 General Election and rejected the contest brought by Republican candidate Dino Rossi. Final margin was 132 votes (out of 2.8 million ballots cast).

CANTWELL 2000 RECOUNT

Represented U.S. Senator Maria Cantwell in closely watched recount of her election to the United States Senate.

PRO BONO

STATE OF ARIZONA V. WILLIAM LYLE WORATZEK

Pro bono representation of William Lyle Woratzek, a convicted inmate on Arizona's death row for 10 years (1987 - 1997), in original federal habeas corpus proceedings from the U.S. District Court for the District of Arizona, through the United States Court of Appeals to the Ninth Circuit, and to the United States Supreme Court; in a second federal habeas proceeding through the federal system; in Section 1983 emergency stay litigation up to and through the U.S. Supreme Court; and in clemency proceedings before the Arizona Board of Pardons and Parole.

ROGELIO MONTES, ET AL. V. CITY OF YAKIMA, ET AL.

U.S. District Court for the Eastern District of Washington

Represented several Yakima voters in Voting Rights Act, Section 2, challenge to at-large election system for electing city council members. After more than a year of extensive discovery and litigation, court granted summary judgment in favor of plaintiffs, finding electoral system in violation of the Voting Rights Act and implementing remedial electoral districts for future elections. 40 F. Supp. 3d 1377 (2014).

IN RE INITIATIVE 1105 BALLOT TITLE CHALLENGE

Superior Court of Washington, Thurston County

Represented coalition supporting Initiative 1105 in statutory action challenging ballot title to 2010 Washington Initiative 1105 (which would have authorized the private sale of hard liquor in Washington State). Defended the ballot title and description drafted by Washington's Attorney General for the Voter's Pamphlet and the ballot itself in the 2010 General Election in Washington and appeared during the course of the hearing on the action.

DOE, ET AL. V. REED, ET AL.

U.S. Supreme Court

Represented respondent Washington Families Standing Together in opposing First Amendment challenge to disclosure, under state's Public Records Act, of petitions for initiatives and referenda filed with the state as part of direct democratic processes. In an 8-1 decision, the Justices agreed with respondent Washington Families Standing Together that the disclosure of referendum petitions does not facially violate the First Amendment. Doe v. Reed, 130 U.S. 2811 (2010). Also represented Washington Families Standing Together in its effort to support Washington's domestic partnership law in earlier stages of the litigation and related lawsuits.

PEACE ACTION V. CITY OF MEDINA

U.S. District Court for the Western District of Washington

Represented advocacy group and individual citizens in First Amendment challenge to local restrictions on political and religious speech in public parks, sidewalks and neighborhoods. Court granted preliminary injunction enjoining enforcement of the statute, declaring it unconstitutional, and awarding attorneys' fees.

NEWS

06.20.2019

Perkins Coie Secures U.S. Supreme Court Win in Virginia Redistricting Case

Press Releases

WASHINGTON, D.C. (June 20, 2019) - Perkins Coie secured a significant 5-4 U.S. Supreme Court decision on June 17 for 12 Virginia voters in a constitutional challenge to a Virginia House of Delegates' redistricting map arising under the Equal Protection Clause of the Fourteenth Amendment.

06.20.2019

Perkins Coie Supreme Court Win Mentioned in Multiple Publications

General News

05.01.2019

Perkins Coie Named Among Top Law Firms in 2019 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States. For 2019, the firm is recognized in 52 practice

04.15.2019

Perkins Coie's Kevin Hamilton and Todd Hinnen Recognized as 'Client Service All-Stars' by BTI Consulting

Press Releases

Perkins Coie is pleased to announce that Kevin Hamilton and Todd Hinnen were named by BTI Consulting to its *Client Service All-Stars* 2019 list. The annual BTI report ranks attorneys across the country for delivering "incomparable levels of client service excellence."

02.14.2019

Perkins Coie Hosts Fashion and Retail Event in Milan

Press Releases

Perkins Coie, a global, Seattle-based law firm, hosted an industry event focused on future technologies for the fashion and retail industries. Held at the Starbucks Roastery and later at the Palazzo Parigi in central Milan, the event was attended by Kevin Hamilton, partner and chair of the Retail & Consumer Products industry group and emceed by Miriam Farhi, partner in Perkins Coie's Technology Transactions & Privacy Practice, with guest speaker Emanuele Bertoli, entrepreneur, innovator and CEO and founder of the BerBrand Group and its 1TrueID technology.

08.20.2018

Best Lawyers® 2019 Recognizes 277 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 277 of its attorneys were selected by their peers for inclusion in the 2019 edition of *The Best Lawyers in America*®.

05.03.2018

Perkins Coie Named Among Top Firms in 2018 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States. For 2018, the firm is recognized in 51 practice areas and 130 individual attorneys were also recognized.

04.24.2018

Kevin Hamilton Quoted in The Independent Record Article - Decision Not Expected Soon in Montana Democrats' Attempt to Get Green Party Off Ballot

General News

The Independent Record

Partner Kevin Hamilton was quoted in *The Independent Record* article, "Decision Not Expected Soon in Montana Democrats' Attempt to Get Green Party Off Ballot," regarding the efforts of the Montana Democratic Party in removing the Green Party from ballots before the June primary election.

01.01.2018

Kevin Hamilton Quoted in Law360 - Retail Developments To Watch In 2018

General News

Law360

Kevin Hamilton was quoted in a *Law360* article, "Retail Developments To Watch In 2018," regarding the FCC's decision to override net neutrality regulations and its effect on online retailers, as well as privacy and security for retailers.

08.15.2017

Best Lawyers® 2018 Recognizes 281 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 281 of its attorneys were selected by their peers for inclusion in the 2018 edition of *The Best Lawyers In America*®.

05.26.2017

Perkins Coie Named Among Top Firms In 2017 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States. For 2017, the firm is recognized in 40 practice areas and 131 individual attorneys were recognized.

05.22.2017

Perkins Coie Wins SCOTUS Ruling in North Carolina Congressional Redistricting Case

Press Releases

In a third time win for Perkins Coie attorney Marc Elias before the U.S. Supreme Court in redistricting lawsuits, on May 22, 2017, the Court upheld a federal district court decision that struck down North Carolina's 1st and 12th Congressional Districts as racial

12.05.2016

Marc Elias Featured in the National Law Journal Supreme Court Brief Article - A SCOTUS Juggling Act for Perkins Coie's Marc Elias

General News

National Law Journal Supreme Court Brief

Marc Elias was featured in *National Law Journal Supreme Court Brief* article, "A SCOTUS Juggling Act for Perkins Coie's Marc Elias" noting that his arguments on two separate but related cases before the high court on Monday was just one of several career highlights this year alone.

Abha Khanna, Kevin Hamilton, Aria Branch and Elisabeth Frost were also mentioned regarding their contributions to both cases. To read more, click [here](#).

10.31.2016

Kevin Hamilton Quoted in seattlepi.com - Secretary of State Will Send 136,000 Letters to Fix Error in Spanish Translation

General News

[seattlepi.com](#)

Kevin Hamilton was quoted in "Secretary of State Will Send 136,000 Letters to Fix Error in Spanish Translation," an article in [seattlepi.com](#), regarding his letter to Washington Secretary of State Kim Wyman to fix an error in Spanish translation in a mailing to voters.

10.27.2016

Partner Kevin Hamilton Quoted in seattlepi.com - Pierce County Faces Lawsuit For Telling Voters to Mail Ballots by Nov. 4

General News

[seattlepi.com](#)

Partner Kevin Hamilton was quoted in, "Pierce County Faces Lawsuit For Telling Voters to Mail Ballots by Nov. 4," an article in [seattlepi.com](#), regarding incorrect voters pamphlets incorrectly informing voters to mail their ballots by Nov. 4, four days before the Nov. 8 election.

08.15.2016

Best Lawyers® 2017 Recognizes 252 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 252 of its attorneys were selected by their peers for inclusion in the 2017 edition of *The Best Lawyers In America®*, the oldest and most respected peer-review publication in the legal profession.

05.27.2016

Perkins Coie Named Among Top Firms in 2016 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of Chambers USA: America's Leading Lawyers for Business, as one of the top law firms in the United States. For 2016, the firm is recognized in 37 practice areas and 127 individual attorneys were recognized.

05.23.2016

U.S. Supreme Court Decides 8-0 With Perkins Coie in Virginia Voting Rights Case

General News

Perkins Coie secured a unanimous victory in the U.S. Supreme Court, cementing a win for several Virginia voters previously obtained from a three-judge panel of the U.S. District Court of Virginia, which found Virginia's 3rd Congressional District to be an unconstitutional racial gerrymander.

05.18.2016

Partner Kevin Hamilton Quoted in Law360 - Attorneys React To DOL's Final Overtime Exemption Rule

General News

[Law360](#)

Partner Kevin Hamilton was quoted in "Attorneys React To DOL's Final Overtime Exemption Rule," a *Law360* article, regarding the minimum salary requirement for workers to qualify for a white-collar overtime exemption.

04.24.2016

Kevin Hamilton Quoted in KUOW.org - Dark Money, Unflattering Photos: Battle Over Unions Rages in Washington

General News

[KUOW.org](#)

Kevin was quoted in the [KUOW.org](#) article, "Dark money, unflattering photos: Battle over unions rages in Washington."

11.04.2015

Kevin Hamilton Mentioned in seattlepi.com

General News

[seattlepi.com](#)

Kevin Hamilton was mentioned in [seattlepi.com](#) in an article, "Historic Verdict, Historic Election: Yakima Picks its First Latino Council Members," as part of the team that represented ACLU.

08.17.2015

Best Lawyers® 2016 Recognizes 245 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 245 of its attorneys were selected by their peers for inclusion in the 2016 edition of *The Best Lawyers In America®*, the oldest and most respected peer-review publication in the legal profession; a more than 10 percent increase over the 221 firm attorneys recognized by *Best Lawyers* in the 2015 edition.

05.19.2015

Perkins Coie Named Among Top Firms in 2015 Chambers USA

Press Releases

Perkins Coie is proud to announce that it has again been ranked by Chambers & Partners, publishers of *Chambers USA: America's Leading Lawyers for Business*, as one of the top law firms in the United States.

02.18.2015

Perkins Coie Successfully Secures Restructuring of District Voting System in Yakima, WA for Stronger Latino Voice in Elections

Press Releases

Perkins Coie attorneys Kevin Hamilton, Abha Khanna and Ben Stafford, working on a pro bono basis with the ACLU, successfully brought about a court order requiring Yakima, Washington to implement a plan for seven single-member districts for City Council elections.

10.08.2014

Redistricting Victory In Virginia

Press Releases

A three-judge panel in the U.S. District Court for the Eastern District of Virginia ruled today that the Commonwealth's current congressional reapportionment plan violates the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution and ordered the Virginia legislature to enact a remedial plan by no later than April 1, 2015.

08.27.2014

30 Perkins Coie Attorneys Named 2015 Lawyers of the Year by Best Lawyers®

Press Releases

Perkins Coie is proud to announce that 30 of its attorneys have been named Lawyers of the Year by *Best Lawyers®*, the oldest and most respected peer-review publication in the legal profession.

08.18.2014

Best Lawyers® 2015 Recognizes 221 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 221 of its attorneys were selected by their peers for inclusion in the 2015 edition of *The Best Lawyers In America®*, the oldest and most respected peer-review publication in the legal profession.

Pro Bono Team Secures Victory in Federal Voting Rights Case

General News

A Seattle-based litigation team won a significant victory in a lawsuit alleging that the at-large election system utilized by the City of Yakima to elect members of its City Council impermissibly dilutes Latino voting strength and does not allow for equal participation by Latinos in the election process.

07.11.2014

Perkins Coie Wins Significant Victory in Florida Redistricting Case

Press Releases

In a case with national political implications, Perkins Coie won a significant victory on behalf of Florida voters who challenged the lawfulness of Florida's congressional voting map.

11.26.2013

Perkins Coie's Kevin J. Hamilton Elected to The American Law Institute

Press Releases

Kevin J. Hamilton, a partner and chair of both Perkins Coie's Labor & Employment practice and Retail and Consumer Products group, has been elected as a member of The American Law Institute (ALI). Hamilton joins six other Perkins Coie attorneys who are

members of ALI: Randy Bain, David Burman, Tim Burns, Martin Lybecker, Katie O'Sullivan and John Skilton.

08.21.2013

Best Lawyers 2014 Recognizes 206 Perkins Coie Attorneys

Press Releases

Perkins Coie is proud to announce that 206 of its attorneys were selected by their peers for inclusion in the 2014 edition of *The Best Lawyers In America®*.

09.12.2012

197 Perkins Coie Lawyers Recognized In 2013 Best Lawyers

Press Releases

Perkins Coie is proud to announce that 197 of its attorneys were selected by their peers for inclusion in the 2013 edition of *The Best Lawyers in America®*. Thirty-five attorneys were listed this year for the first time, representing a 22 percent increase in the number of Perkins Coie attorneys who appeared in the 2012 edition.

08.30.2012

Perkins Coie Successfully Represents Minority Voters in Texas Redistricting Case

Press Releases

Perkins Coie LLP successfully represented a group of African-American and Hispanic voters from Texas in a case involving discrimination in Texas voting maps [Texas v. United States, Civil Action No. 11-1303 (D.D.C. Aug. 28, 2012).].

03.30.2012

Kevin J. Hamilton Admitted to American College of Trial Lawyers

Press Releases

Kevin J. Hamilton has become a Fellow of the American College of Trial Lawyers, one of the premier legal associations in America.

08.31.2011

The Best Lawyers in America Recognizes 163 Perkins Coie Lawyers

Press Releases

Perkins Coie is proud to announce that 163 of its attorneys throughout the country were selected by their peers for inclusion in the 2012 edition of *The Best Lawyers in America®* (Copyright 2011 by Woodward/White, Inc., of Aiken, S.C.).

08.13.2010

The Best Lawyers in America Recognizes 143 Perkins Coie Lawyers

Press Releases

Perkins Coie is proud to announce that 143 of its attorneys throughout the country were selected by their peers for inclusion in the 2011 edition of *The Best Lawyers in America* (Copyright 2010 by Woodward/White, Inc., of Aiken, S.C.).

06.09.2010

90 Perkins Coie Attorneys Named Super Lawyers

Press Releases

Ninety Perkins Coie attorneys have been honored by their peers as "Washington Super Lawyers" for 2010. Nine were named to the Top 100 list and four were named to the Top 50 Women list. The list of Super Lawyers is published in the June edition of *Washington Law & Politics* magazine.

08.03.2009

The Best Lawyers in America Recognizes 141 Perkins Coie Lawyers

Press Releases

Perkins Coie is proud to announce that 141 of its attorneys across the country were selected for inclusion in the 2010 edition of *Best Lawyers of America*.

PUBLICATIONS

06.24.2019

In a New Autobiography, Retired Justice John Paul Stevens Delivers a Fascinating Glimpse Into the Machinations of the Supreme Court

Articles

The Seattle Times

In a new autobiography, "The Making of a Justice," Stevens surveys his life before his appointment to the court—growing up in Chicago, and working as a naval traffic analyst at Pearl Harbor during World War II and in private law practice.

12.27.2016

When 'Fraud' Is Just Another Word For Disenfranchisement

Articles

The Washington Post

For years, “voter fraud” has been a conservative rallying cry, used to justify ever more demanding voter identification and registration requirements. [Read the full article.](#)

11.04.2016

\$18 Million Fine Levied for Campaign Finance Violation in Washington State

Updates

On November 3, 2016, a Thurston County Superior Court judge levied an \$18 million penalty against a trade association for violations of Washington campaign finance laws.

09.20.2016

Seattle’s New Secure Scheduling Ordinance

Updates

The Seattle City Council unanimously passed the Secure Scheduling Ordinance (Ordinance) on September 19, 2016.

05.19.2016

Defend Trade Secrets Act Contains New Immunity Notification Requirements for Employers

Updates

The new Defend Trade Secrets Act (DTSA), signed into law by President Obama on May 11, 2016, creates a new private civil cause of action in federal court for trade secret misappropriation.

03.03.2016

New Law Increases Scrutiny for Importing Goods Made with Forced Labor

Updates

The federal government took another step in the fight against human trafficking and forced labor. President Obama signed into law on February 24, 2016, the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA).

09.03.2014

Patterson v. Domino’s Pizza, LLC: Franchisors Are Not Vicariously Liable as “Employers” or “Principals” for Their Franchisees’ Workplace Conduct, California High Court Rules

Updates

In a significant win for franchisors, the California Supreme Court ruled 4-3 that although Domino’s “imposes comprehensive and meticulous standards for marketing its trademarked brand and operating its franchises in a uniform way,” it cannot be held vicariously liable as an “employer” or “principal” in a sexual harassment lawsuit filed by an employee of a Domino’s franchisee.

11.20.2012

Supreme Court to Hear Another Case on Class Arbitration Waivers

Updates

On November 9, 2012, the U.S. Supreme Court agreed to consider the enforceability of a class action waiver clause in agreements between American Express and merchants that accepted its cards. The merchants filed a proposed class action suit against Amex, alleging that its “Honor All Cards” policy—which required stores to accept Amex’s charge cards as well as its credit cards—violated federal antitrust law.

04.10.2012

Alert: Apple’s Supply Chain Fair Labor Report

Updates

In the wake of the recent negative publicity deluge, including a segment on a national newsmagazine show, alleging labor violations including the use of child labor, safety violations and unfair pay practices, late last week Apple released a third-party report detailing problems and proposed solutions at one of its largest suppliers.

11.01.2011

Top Ten Employment “Potholes” to Avoid in California

Updates

California, standing alone, has the eighth largest economy in the world, with a gross state product of nearly \$2 trillion in 2010. It is no surprise that the state is an irresistible market for many leading (and emerging) companies with significant workforce populations. But California is also one of the most perilous jurisdictions for employers, featuring a harsh, unforgiving and sometimes unexpectedly quirky regulatory environment, all enforced by a large population of zealous plaintiffs’ lawyers. Doing business in California can be perilous indeed.

07.19.2011

Federal Reserve Board’s Final Rule Implementing the “Durbin Interchange Amendment” to the Dodd–Frank Act

Updates

On October 1, 2011 a new Federal Reserve Board Final Rule implementing the “Durbin Interchange Amendment” to the Dodd-Frank Act will go into effect.

06.21.2011

Supreme Court Tightens The Rules for Employment Class Actions

Updates

The U.S. Supreme Court issued its opinion in the long-awaited Wal-Mart v. Dukes decision yesterday. The Court's decision is good news for employers as it will make it more difficult for plaintiffs to pursue large class actions against employers.

03.2010

Anonymous Speech and Disclosure Requirements in Light of Citizens United and Doe v. Reed

Attorney Publications

Election Law Seminar

PRESENTATIONS

06.25.2015

2015 Employment Law Workshop

Seminars

Topics discussed include recent NLRB rulings, guidelines for employee handbooks, wage and hour and leave and accommodation issues and a general update on the latest employment law developments.

07.07.2014

Recounts in the Post-Bush v. Gore Era

Speaking Engagements

Williams & Mary Law School / Williamsburg, VA

05.06.2014

Recounts in the Post-Bush v. Gore Era

Speaking Engagements

American Constitutional Society / Seattle, WA

06.05.2012

2012 Employment Law Workshop

Seminars

Advanced Issues in Employee Leave Law / Bellevue, WA

05.19.2010

2010 Employment Law Workshop

Seminars

AREAS OF FOCUS

PRACTICES

- Labor & Employment Law
- Political Law
- Litigation
- Employment Counseling & Preventive Law
- Employment Litigation
- Employment Privacy
- Workplace Investigations
- Noncompetition Litigation
- Trade Secrets
- Workplace Harassment

INDUSTRIES

- Retail & Consumer Products
- Food & Beverage
- Professional Sports

BAR AND COURT ADMISSIONS

- Washington
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Eastern District of Washington

- U.S. District Court for the Western District of Washington [12685](#)
- Supreme Court of the United States

EDUCATION

- Georgetown University Law Center, J.D., *magna cum laude*, 1985, Editor-in-Chief, *Georgetown Law Journal*
- University of Washington, B.A., Political Science, *cum laude*, Phi Beta Kappa, 1980

LANGUAGES

- French

HIGHLIGHTS

View a full collection of book reviews by Kevin J. Hamilton

"Enter Laughing: Al Franken's Long Road to Washington," *The New Yorker*, July 20, 2009

Hamilton argues challenge to Ohio legislative redistricting plan before the Ohio Supreme Court.

- [The Cleveland Plain Dealer](#)
- [The Columbus Dispatch](#)

Kevin J. Hamilton



Litigation - Labor and Employment
Seattle, Washington



Professional Biography



ABHA KHANNA | PARTNER

SEATTLE
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Seattle, WA 98101-3099
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AKhanna@perkinscoie.com

Abha Khanna is a partner in the firm's Litigation practice. She has experience in a range of matters, including intellectual property, antitrust, commercial contract disputes, constitutional issues, and political law. Abha has represented both plaintiffs and defendants before numerous courts across the country, from state and federal courts in Washington, Texas, Florida, and the District of Columbia, to the U.S. Supreme Court.

Prior to joining the firm, Abha served as a law clerk to Judge Judith W. Rogers of the United States Court of Appeals for the District of Columbia Circuit and Judge Robert S. Lasnik of the United States District Court for the Western District of Washington. As a law student, she served as Comments Editor of the *Yale Law Journal* and directed a clinic providing legal advocacy for victims of domestic violence. Before law school, Abha was a high school English teacher.

Abha's pro bono work includes matters related to civil rights, international law, and custody determinations in child abuse and neglect cases.

PROFESSIONAL RECOGNITION

- Listed as a "Washington Rising Star" by *Super Lawyers Magazine*, 2015 - 2019

RELATED EMPLOYMENT

- Neal Katyal, Research Assistant, 2006 - 2007
- Wilmer Cutler Pickering Hale and Dorr LLP, Washington, D.C., Summer Associate, 2006
- Robert Post, David Boies Professor of Law, Yale Law School, New Haven, CT, Research Assistant, 2006
- Department of Homeland Security, Office of the Chief Counsel of the TSA, Washington, D.C., Law Clerk, Summer 2005
- Jerome N. Frank Legal Services Organization, Community Lawyering Clinic, Yale Law School, New Haven, CT, Student Supervisor, 2005 - 2006

CLERKSHPIS

- Hon. Robert Lasnik, U.S. District Court for the Western District of Washington, 2008 - 2009
- Hon. Judith Rogers, U.S. Court of Appeals for the District of Columbia Circuit, 2007 - 2008

EXPERIENCE

IN RE NATIONAL PRESCRIPTION OPIATE LITIGATION

U.S. District Court for the Northern District of Ohio

Counsel for defendant Costco Wholesale in over sixty cases by municipalities and third-party payor plaintiffs consolidated as MDL No. 2804 and in several state courts alleging various claims against manufacturers, distributors and retail sellers of prescription opioids.

BETHUNE-HILL V. VIRGINIA STATE BOARD OF ELECTIONS

U.S. District Court for the Eastern District of Virginia

12687

Represented 12 Virginia voters in constitutional challenge to Virginia House of Delegate redistricting plan arising under the Equal Protection Clause of the Fourteenth Amendment. Perkins Coie secured a significant victory on behalf of Virginia voters on June 26, 2018, when the United States District Court for the Eastern District of Virginia, in Richmond held that 11 of the House of Delegates districts were unconstitutional racial gerrymanders in violation of the Fourteenth Amendment.

COOPER V. HARRIS

Supreme Court of the United States

U.S. District Court for the Middle District of North Carolina

Secured a victory in the U.S. Supreme Court on May 22, 2017 on behalf of two North Carolina residents seeking invalidation of North Carolina's 1st and 12th Congressional Districts as racial gerrymanders in violation of the Equal Protection Clause of the 14th Amendment. Following trial in October 2015, on February 6, 2016, a three-judge panel of the U.S. District Court for the Middle District of North Carolina found in our team's favor, striking down the congressional plan originally drawn in 2011, enjoining further elections under it, and directing the North Carolina General Assembly to adopt a new map. The three-judge panel then denied the defendants' motion to stay, as did the U.S. Supreme Court. The Supreme Court Opinion, authored by Justice Kagan, upheld the district court's judgment that the North Carolina General Assembly had unlawfully used race to draw congressional districts.

NORTH CAROLINA VOTING RIGHTS CHALLENGE

Represents a group of North Carolina voters in a federal voting rights litigation in which a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit issued a unanimous ruling that the State's Republican-led General Assembly intentionally discriminated against African Americans when it enacted several new voting restrictions in 2013. The Fourth Circuit reversed the district court's dismissal of all of the plaintiffs' claims in *North Carolina State Conference of the NAACP, et al. v. McCrory, et al.*, finding that North Carolina's elimination of same day registration, out-of-precinct provisional voting, preregistration, reduction of early voting, and enactment of voter-ID law were unconstitutional and in violation of the 14th Amendment and Section 2 of the Voting Rights Act. The decision invalidates the changes to North Carolina's voting mechanisms, meaning that same-day registration, out-of-precinct provisional voting, preregistration, and the lost early voting days will be reinstated. North Carolina's voter ID law is also completely enjoined.

U.S. SUPREME COURT RACIAL GERRYMANDERING VICTORY

U.S. Supreme Court

Secured a unanimous victory in the U.S. Supreme Court, cementing a win for several Virginia voters previously obtained from a three-judge panel of the U.S. District Court of Virginia, which found Virginia's 3rd Congressional District to be an unconstitutional racial gerrymander. In a vote of 8-0, the Court dismissed the appeal, brought by Virginia's Republican Congressional delegation, who had intervened as defendants in the action, based on argument that the delegation lacked standing to maintain the appeal.

OBERGEFELL, ET. AL V. HODGES, ET AL.

Supreme Court of the United States

Represent "The Alliance: State Advocates for Women's Rights and Gender Equality" and Legal Voice of Washington as amicus curiae in support of parties challenging constitutionality of laws and practices that deny same-sex couples the right to marry.

VIRGINIA REDISTRICTING

Brought a challenge on behalf of several Virginia voters, whose voting rights were diluted under the existing congressional reapportionment plan, in which the Virginia legislature used the preclearance requirements of Section 5 of the Voting Rights Act as a pretext to pack African-American voters into Virginia's gerrymandered 3rd Congressional District. A three-judge panel found that the Commonwealth's current congressional reapportionment plan violates the Equal Protection Clause of the Fourteenth Amendment and ordered the Virginia legislature to enact a remedial plan. The court agreed that the 3rd Congressional District was a racial gerrymander and found that, after the Supreme Court's decision in *Shelby County v. Holder*, Section 5 can no longer justify race-based reapportionment. The opinion was the result of a multiday trial held in Richmond.

FLORIDA REDISTRICTING

Won a significant victory on behalf of Florida voters challenging the lawfulness of Florida's congressional voting map in a case with national political implications. Filed in February 2012, the lawsuit alleged that the voting map enacted by the Florida Legislature violated a provision of the Florida Constitution that prohibits the legislature from drawing voting maps that favor one political party over another or that protect incumbent members of the United States Congress. After more than two years of intensive discovery battles that included a landmark interlocutory ruling from the Supreme Court of Florida allowing the deposing of sitting members of the Florida Legislature, the case went to trial in May 2014 before a state court judge.

SHANNON PEREZ, ET AL. V RICK PERRY, ET AL.

Helped secure significant victory for voting rights when a Texas federal district court ruled that Texas' Republican-drawn congressional map violated the Voting Rights Act and the Equal Protection clause of the Fourteenth Amendment, finding that several districts were illegal racial gerrymanders.

NEWS

06.20.2019

Perkins Coie Secures U.S. Supreme Court Win in Virginia Redistricting Case

Press Releases

WASHINGTON, D.C. (June 20, 2019) - Perkins Coie secured a significant 5-4 U.S. Supreme Court decision on June 17 for 12 Virginia voters in a constitutional challenge to a Virginia House of Delegates' redistricting map arising under the Equal Protection Clause of the Fourteenth Amendment.

06.20.2019

Perkins Coie Supreme Court Win Mentioned in Multiple Publications

General News

05.01.2019

Abha Khanna Interviewed by Law.com - How I Made Partner: Perkins Coie's Abha Khanna

General News

Law.com

Abha Khanna was interviewed by Law.com in the article, "How I Made Partner: Perkins Coie's Abha Khanna," regarding her promotion to partner and advice to those on the same path.

10.09.2018

Abha Khanna Quoted in Law.com - Pity the DOJ Lawyers (For Now) in Transgender Military Ban Showdown

General News

Law.com

Abha Khanna was quoted in "Pity the DOJ Lawyers (For Now) in Transgender Military Ban Showdown," an article in Law.com, regarding challenging the transgender military ban. Abha is representing the Constitutional Accountability Center.

05.22.2017

Perkins Coie Wins SCOTUS Ruling in North Carolina Congressional Redistricting Case

Press Releases

In a third time win for Perkins Coie attorney Marc Elias before the U.S. Supreme Court in redistricting lawsuits, on May 22, 2017, the Court upheld a federal district court decision that struck down North Carolina's 1st and 12th Congressional Districts as racial gerrymanders in violation of the Equal Protection Clause of the 14th Amendment.

01.03.2017

Perkins Coie Announces 2017 Partner Class

Press Releases

Perkins Coie is pleased to announce that 24 counsel and senior counsel have been promoted to partner.

12.05.2016

Marc Elias Featured in the National Law Journal Supreme Court Brief Article - A SCOTUS Juggling Act for Perkins Coie's Marc Elias

General News

National Law Journal Supreme Court Brief

Marc Elias was featured in National Law Journal Supreme Court Brief article, "A SCOTUS Juggling Act for Perkins Coie's Marc Elias" noting that his arguments on two separate but related cases before the high court on Monday was just one of several career highlights this year alone.

Abha Khanna, Kevin Hamilton, Aria Branch and Elisabeth Frost were also mentioned regarding their contributions to both cases. To read more, [click here](#).

05.23.2016

U.S. Supreme Court Decides 8-0 With Perkins Coie in Virginia Voting Rights Case

General News

Perkins Coie secured a unanimous victory in the U.S. Supreme Court, cementing a win for several Virginia voters previously obtained from a three-judge panel of the U.S. District Court of Virginia, which found Virginia's 3rd Congressional District to be an unconstitutional racial gerrymander.

02.18.2015

Perkins Coie Successfully Secures Restructuring of District Voting System in Yakima, WA for Stronger Latino Voice in Elections

Press Releases

Perkins Coie attorneys Kevin Hamilton, Abha Khanna and Ben Stafford, working on a pro bono basis with the ACLU, successfully brought about a court order requiring Yakima, Washington to implement a plan for seven single-member districts for City Council elections.

10.08.2014

Redistricting Victory In Virginia

Press Releases

A three-judge panel in the U.S. District Court for the Eastern District of Virginia ruled today that the Commonwealth's current congressional reapportionment plan violates the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution and ordered the Virginia legislature to enact a remedial plan by no later than April 1, 2015.

Pro Bono Team Secures Victory in Federal Voting Rights Case

General News

A Seattle-based litigation team won a significant victory in a lawsuit alleging that the at-large election system utilized by the City of Yakima to elect members of its City Council impermissibly dilutes Latino voting strength and does not allow for equal participation by Latinos in the election process.

07.11.2014

Perkins Coie Wins Significant Victory in Florida Redistricting Case

Press Releases

In a case with national political implications, Perkins Coie won a significant victory on behalf of Florida voters who challenged the lawfulness of Florida's congressional voting map.

01.13.2014

Perkins Coie Announces 2014 Counsel Promotions

Press Releases

Perkins Coie has announced that 39 attorneys have been promoted to the position of Counsel, effective January 1, 2014.

08.30.2012

Perkins Coie Successfully Represents Minority Voters in Texas Redistricting Case

Press Releases

Perkins Coie LLP successfully represented a group of African-American and Hispanic voters from Texas in a case involving discrimination in Texas voting maps [Texas v. United States, Civil Action No. 11-1303 (D.D.C. Aug. 28, 2012)].

AREAS OF FOCUS

PRACTICES

- Litigation

BAR AND COURT ADMISSIONS

- Washington
- New York

EDUCATION

- Yale Law School, J.D., 2007, Comments Editor, *Yale Law Journal*; Editor, *Yale Law and Humanities Journal*
- Yale University, B.A., Psychology, *summa cum laude*; Phi Beta Kappa, 2001

Professional Biography



RUTHZEE LOUIJEUNE | ASSOCIATE

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Political law attorney Ruthzee Louijeune represents federal and state elected officials, candidates, national and state political parties, political action committees, corporations and other entities as they navigate the complexities of campaign finance, ethics and regulatory laws. She counsels campaigns on their day-to-day activity and successfully defends candidates against false political advertisements. In her practice, she represents organizations advocating reform by supporting progressive candidates in local races. Ruthzee has represented clients before the Federal Elections Commission, the Office of Congressional Ethics and regulatory agencies across the country.

Ruthzee also represents and defends clients in litigation and in response to subpoenas. She works on racial gerrymandering litigation, which helps create more equitable voting maps around the country. She was a member of the teams that successfully argued three cases on racial gerrymandering before the U.S. Supreme Court: *Wittman v. Personhubballah*, *Cooper v. Harris* and *Bethune-Hill v. Virginia State Board of Elections*.

Ruthzee volunteers at the Washington School for Girls.

CLERKSHIPS

- Hon. Benita Y. Pearson, U.S. District Court for the Northern District of Ohio, 2014 - 2015

EXPERIENCE

COOPER V. HARRIS

Supreme Court of the United States
U.S. District Court for the Middle District of North Carolina

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Congressional delegation, who had intervened as defendants in the action, based on argument that the delegation lacked standing to maintain the appeal.

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AREAS OF FOCUS

PRACTICES

- Political Law
- Political Law Litigation
- Political Parties, Campaigns and Committees

BAR AND COURT ADMISSIONS

- District of Columbia
- Massachusetts

EDUCATION

- Harvard Law School, J.D., 2014, Harvard Legal Aid Bureau
- Harvard University, John F. Kennedy School of Government, M.P.P., 2014
- Columbia University, B.A., Political Science; French and Francophone Studies, 2008

LANGUAGES

- French
- Haitian Creole

Professional Biography



JOHN K. ROCHE | PARTNER

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John Roche is a member of the firm's Commercial Litigation practice and the Privacy & Security Law practice. He focuses his practice on commercial litigation and counseling, particularly in the areas of privacy, security, internet and communications law.

COMMERCIAL LITIGATION

John has tried numerous cases in addition to briefing and arguing appeals in state and federal courts and handling matters before various arbitration authorities. He routinely briefs and argues matters involving electronic surveillance issues on behalf of communications providers, and has litigated numerous matters involving novel issues under the First and Fourth Amendments. He was on the trial team for the nation's first federal jury trial regarding unsolicited commercial email, briefed the nation's first successful motion to quash a search warrant brought by a communications provider in state court, and likewise briefed and argued the nation's first motion to quash a search warrant ever brought by a communications provider in federal court (the warrant was subsequently withdrawn).

Cases in which John has been involved include:

- *Davison v. Twitter, Inc.*, No. 1:18-cv-1125, 2019 WL 1306206 (E.D. Va. Feb. 26, 2019) (dismissing First Amendment claims against service provider due to lack of standing or state action)
- *Facebook, Inc. v. Wint*, 199 A.3d 625 (D.C. 2019) (criminal defendant cannot obtain communications content from a service provider under the Stored Communications Act)
- *Kline v. Facebook, Inc.*, No. 150022/2018, 2019 WL 185767 (N.Y. Co. Sup. Jan. 10, 2019) (service provider not subject to personal jurisdiction in New York)
- *Ciabattoni v. Teamsters Local 326*, No.: N15C-04-059 VLM, 2018 WL 2418388 (Del. Super. May 29, 2018) (First Amendment prevented effort to unmask anonymous Internet user)
- *In re Grand Jury Subpoena Issued to Twitter, Inc.*, No. 3:17-mc-40-M-BN, 2018 WL 2095173 (N.D. Texas, May 3, 2018), adopted by 2018 WL 2095326 (N.D. Texas, May 3, 2018) (partially quashing grand jury subpoena issued to service provider on First Amendment grounds)
- *In re Grand Jury Subpoena Issued to Twitter, Inc.*, No. 3:17-mc-40-M-BN, 2017 WL 9287146 (N.D. Texas, Sept. 22, 2017), adopted by 2017 WL 9287147 (N.D. Texas, Oct. 19, 2017) (vacating gag order issued to service provider on statutory and First Amendment grounds)
- *In re Facebook, Inc. v. United States of America*, Nos. 17-SS-388, 17-SS-389, 17-SS-390 (D.C. Court of Appeals, 2017) (successful appeal of order denying motion to vacate gag order related to search warrants in investigation of inauguration day riots in District of Columbia)
- *Bennett v. Google Inc.*, No. 1:16-cv-02283 (TFH), 2017 WL 2692607 (D.D.C. June 21, 2017) (granting motion to dismiss defamation claim under the Communications Decency Act), affirmed by 882 F.3d 1163 (D.C. Cir. 2018)
- *Beyond Systems, Inc. v. Kraft Foods, Inc.*, 972 F. Supp. 2d 748 (D. Md. 2013) (after 2-week advisory jury trial, granting client's motion for summary judgment defeating plaintiff's \$600 million "spam" email claims), affirmed by 777 F.3d 712 (4th Cir. 2015)
- *CTIA - Wireless Ass'n v. Telecommunications Regulatory Bd. of Puerto Rico*, 2012 WL 3151377 (D. Puerto Rico 2012) (denying opponent's motion to dismiss and subsequently granting client's request for permanent injunction of state law under the Stored

- *People v. Harris*, 949 N.Y.S.2d 590 (N.Y. City Crim. Ct., 2012) (case of first impression granting in part and denying in part communications provider's motion to quash subpoena for user records)
- *CRGT, Inc. v. Northrop Grumman Systems Corp.*, 2012 WL 3776369 (E.D. Va. 2012) (case of first impression upholding defense contractor's reliance on Federal Officer Removal Statute)
- *Dodge v. CDW-Government, Inc.*, 415 Fed. Appx. 485 (4th Cir. 2011) (victory in breach of contract/employment action)
- *Qwest Corp. v. Colorado Public Utilities Com'n*, 656 F.3d 1093 (10th Cir. 2011) (victory in action under the Telecommunications Act)
- *Qwest Corp. v. Arizona Corp. Com'n*, 567 F.3d 1109 (9th Cir. 2009) (victory in action under the Telecommunications Act)
- *Jayne v. Sprint PCS*, 2009 WL 426117 (E.D. Cal. 2009) (granting client's motion to dismiss § 1983 claims under the Stored Communications Act)

PRIVACY, SECURITY, INTERNET & COMMUNICATIONS LAW

John's practice includes litigation and regulatory compliance counseling with regard to privacy, Internet and communications issues. He helps manage and oversee perhaps the largest subpoena, court order and search warrant compliance program in the country for numerous communications providers (e.g., phone companies, email services, wireless providers, social networks, etc.) regarding issues related to the federal Stored Communications Act, Wiretap Act, Pen-Trap Statute, Telecommunications Act, and Communications Assistance for Law Enforcement Act.

John is also highly experienced in a host of other areas ranging from Customer Proprietary Network Information (CPNI) to the Controlling the Assault of Non-Solicited Pornography and Marketing (CAN-SPAM) Act, the Communications Decency Act (CDA) and telemarketing laws.

John also has experience assisting clients in their response to computer intrusions and theft of trade secrets, including actions related to the Computer Fraud and Abuse Act (CFAA) and state computer intrusion laws.

John has also represented clients before the FCC, FTC and numerous state commissions in privacy-related investigations and telecommunications matters.

UNMANNED AERIAL SYSTEMS (UAS)

John has counseled UAS clients on privacy issues, including the development of UAS privacy policies. He has represented a major UAS client in a successful multi-stakeholder proceeding before the National Telecommunications and Information Administration that resulted in the adoption of voluntary privacy best practices regarding commercial and private UAS use in the national airspace.

EMPLOYMENT LAW

John has counseled clients and litigated on their behalf regarding employment related matters, including wage claims, restrictive covenant and trade secret litigation, security policies, and employee privacy issues. These matters include briefing and arguing a successful appeal before the Fourth Circuit Court of Appeals related to a wage dispute for a major client in Virginia.

INTELLECTUAL PROPERTY

John has litigated numerous matters on behalf of the world's largest software manufacturer in a comprehensive domestic brand integrity, trademark and copyright litigation effort, involving successful lawsuits in Maryland, Virginia and other jurisdictions against retailers, suppliers, and vendors engaged in the distribution of infringing items.

PRO BONO

John does a great deal of pro bono litigation to assist survivors of domestic violence and is a recipient of the firm's prestigious Pro Bono Leadership Award for his work on behalf of domestic violence survivors in Virginia state court.

PROFESSIONAL RECOGNITION

- Listed in *Washington D.C. Super Lawyers*, 2013 - 2014

PROFESSIONAL LEADERSHIP

- International Association of Privacy Professionals
- American Bar Association

- Virginia Bar Association
- District of Columbia Bar Association

COMMUNITY INVOLVEMENT

- Virginia Committee for Employer Support of the Guard & Reserve, Ombudsman, 2007 - 2016
- Legal Services of Northern Virginia, Domestic Violence Project, Volunteer Trial Counsel
- Legal Aid Society of the District of Columbia, Volunteer Trial Counsel
- Just Neighbors Immigrant Ministry, Volunteer Attorney
- William & Mary School of Law, Co-Counsel Mentoring Program
- Blessed Sacrament School, Annual Fund Committee

EXPERIENCE

COMMUNICATIONS

AMERICAN COUNCIL ON EDUCATION V. F.C.C.

U.S. Court of Appeals for the District of Columbia Circuit
Appeal of F.C.C. order regarding CALEA and broadband access and services.

AT&T CORPORATION V. BELLSOUTH LONG DISTANCE INC. & QWEST COMMUNICATIONS CORPORATION

U.S. District Court for the Southern District of New York
Defense of action for tortious interference with contract and unjust enrichment.

PACIFIC BELL TELEPHONE COMPANY V. CALIFORNIA PUBLIC UTILITIES COMMISSION, ET AL.

U.S. District Court for the Northern District of California
Defense of action related to an appeal from a state commission rate-setting order.

QWEST COMMUNICATIONS CORPORATION V. CITY OF NEW YORK

U.S. District Court for the Eastern District of New York
Challenge to municipal telecommunications franchise agreement, under section 253 of the Telecommunications Act of 1996 and the Civil Rights Act.

QWEST CORPORATION V. ARIZONA CORPORATION COMMISSION, ET AL.

U.S. District Court for the District of Arizona
Prosecution of claims under sections 251 & 271 of the Telecommunications Act of 1996.

QWEST CORPORATION V. PUBLIC SERVICE COMMISSION OF UTAH

U.S. Court of Appeals for the Tenth Circuit
Appeal under the Telecommunications Act of 1996 regarding the jurisdiction of state administrative agencies to review commercial agreements between telecommunications carriers.

QWEST CORPORATION V. PUBLIC UTILITIES COMMISSION OF COLORADO

U.S. Court of Appeals for the Tenth Circuit
Appeal under the Telecommunications Act of 1996 regarding the jurisdiction of state administrative agencies to review commercial agreements between telecommunications carriers.

INTELLECTUAL PROPERTY LITIGATION

CAPTARIS INC. V. CAPTARA CORPORATION, ET AL.

U.S. District Court for the Eastern District of Virginia
Prosecution of action for trademark infringement.

BIG FISH GAMES INC. V. IWIN INC.

U.S. District Court for the Western District of Washington
Obtained preliminary and permanent injunctive relief for client Big Fish Games, in a case alleging violations of the Computer Fraud and Abuse Act, RICO, Uniform Trade Secrets Act, Unfair Business Practices Act, and other statutes, based upon a competitor's unauthorized access to Big Fish Games' proprietary and trade secret information. The case was favorably resolved, after substantial discovery, through a confidential settlement.

SMARTIRE SYSTEMS INC. V. SIEMENS VDO

U.S. District Court for the Eastern District of Virginia
Action for patent infringement.

BULLETIN NEWS NETWORK INC. V. BRIEFINGS INC., ET AL.

Circuit Court of Virginia, Fairfax County

Representation of Bulletin News Network in successful action against an electronic publisher and three of its officers and employees for violation of non-compete agreement and theft of trade secrets. Case settled after three-day evidentiary hearing.

MICROSOFT CORPORATION V. AFFORDABLE COMPUTER SOLUTIONS, LLC

U.S. District Court for the District of Maryland

Prosecution of action for trademark and copyright infringement.

MICROSOFT CORPORATION V. ONLINE DISCOUNT SERVICE

U.S. District Court for the Eastern District of Virginia

Prosecution of action for trademark and copyright infringement.

LITIGATION

IN THE MATTER OF THE SEARCH OF INFORMATION ASSOCIATED WITH [REDACTED]@GMAIL.COM THAT IS STORED AT PREMISES CONTROLLED BY GOOGLE, INC., NO. 17-MJ-757 (GMH)

U.S. District Court for the District of Columbia

Represent Google in ongoing litigation regarding whether a search warrant issued pursuant to the Stored Communications Act, 18 U.S.C. §§ 2701-2710, can be used to compel a communications service provider to seize customer communications stored outside the United States and disclose them to the government.

BEYOND SYSTEMS INC. V. KRAFT FOODS INC., ET AL.

U.S. District Court for the District of Maryland

Defense of action for alleged violations of Maryland and California anti-spam laws.

HOLLANDER V. WATSON

U.S. District Court for the District of Columbia

Prosecution of action for breach of contract.

BOGESS V. VALLEY BRONZE OF OREGON INC.

Circuit Court of Virginia, Loudoun County

Defense of action for breach of contract.

BRAZEAL V. SMI INT'L, LLC, ET AL.

U.S. District Court for the Eastern District of Virginia

Defense of Title VII discrimination claim against employer.

BROS. SIGNAL COMPANY V. HONEYWELL INTERNATIONAL INC., ET AL.

Circuit Court of Virginia, Loudoun County

Defense of action for breach of contract, unjust enrichment, fraud and negligence.

GREENWAY APARTMENTS, LP V. TATE-SMITH

Superior Court of the District of Columbia

Pro bono defense of landlord-tenant action.

GROSS V. DAEDALUS BOOKS INC.

Superior Court of the District of Columbia

Prosecution of action for breach of contract.

SEGOVIA INC. V. SYSOREX FEDERAL INC., ET AL.

Circuit Court of Virginia, Fairfax County

Defense of action between government contractors for breach of contract and fraud.

CTIA - WIRELESS ASS'N V. TELECOMMUNICATIONS REGULATORY BD. OF PUERTO RICO

Denying opponent's motion to dismiss and subsequently granting client's request for permanent injunction of state law under the Stored Communications Act.

JAYNE V. SPRINT PCS

Granting client's motion to dismiss § 1983 claims under the Stored Communications Act.

DODGE V. CDW-GOVERNMENT, INC.

Victory in breach of contract/employment action.

PEOPLE V. HARRIS

A case of first impression granting in part and denying in part communications provider's motion to quash subpoena for user records.

CRGT, INC. V. NORTHROP GRUMMAN SYSTEMS CORP.

NEWS

01.04.2019

Perkins Coie Attorneys Mentioned in Law360 - Facebook Needn't Meet Criminal Data Demands: DC Court

General News

Law360

John K. Roche and Hayley L. Berlin were mentioned as Facebook's representation in the *Law360** article, "Facebook Needn't Meet Criminal Data Demands: DC Court."

*Subscription-based publication

01.18.2018

John Roche Quoted by Law360 - Google Rules Undercut Decency Law Immunity, D.C. Circ. Told

General News

Law360

John Roche was quoted in the *Law360* article, "Google Rules Undercut Decency Law Immunity, D.C. Circ. Told," about an attempt to revive a suit against Google regarding its immunity under the Communications Decency Act.

10.08.2014

Redistricting Victory In Virginia

Press Releases

A three-judge panel in the U.S. District Court for the Eastern District of Virginia ruled today that the Commonwealth's current congressional reapportionment plan violates the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution and ordered the Virginia legislature to enact a remedial plan by no later than April 1, 2015.

01.07.2014

Perkins Coie Announces 2014 Partner Class

Press Releases

Perkins Coie has announced that 21 associates and of counsel have been promoted to partner.

01.16.2013

Perkins Coie Announces Counsel Promotions

Press Releases

Perkins Coie has announced that 88 attorneys have been promoted to the firm's newly created Counsel position, effective January 1, 2013. Counsel is a partnership track position for attorneys with at least six years of experience, recognizing consistently high quality legal work and the ability to supervise junior lawyers and staff and collaborate with partners on the strategy, development and management of client matters.

08.28.2012

Perkins Coie Successfully Removes Multimillion Dollar State Law Contract Claim To Federal Court

Press Releases

In April of this year, CRGT, a provider of technology solutions for the Federal government, filed a complaint in Virginia state court alleging that Perkins Coie client Northrop Grumman had breached a subcontract arising out of the U.S. Army's Defense Knowledge On-Line program.

PUBLICATIONS

05.07.2018

Offer Wi-Fi or Internet Service to Customers? These Are Your New Legal Obligations

Updates

It would be unusual these days to find a hotel, coffee shop, cruise line or airline that doesn't offer some form of internet access to its customers. It's unlikely, however, that those businesses have had occasion to give much thought to the Stored Communications Act.

06.29.2017

Drones: What Legal Issues Should You Be Thinking About?

Articles

Best Lawyers

Unmanned aerial vehicles (UAVs), commonly known as drones, have the potential to reshape commerce in ways that have not been seen since the early days of the Internet. Unsurprisingly, this potential is likely to draw interest from companies that have

little to no experience with aviation or drones into the market by manufacturing drones, their components, or the software that they use.

10.04.2017

Top 5 Questions From Our UVS Clients

Articles

05.23.2016

New Privacy Best Practices for Drone Use Adopted by Industry, Consumer and Media Organizations

Updates

Consensus was reached in a proceeding of the NTIA of the U.S. Department of Commerce on a set of privacy best practices for the commercial and recreational use of unmanned aerial systems (UAS), more commonly referred to as "drones."

02.17.2015

FAA Proposes Rules for Commercial UAVs; White House Launches UAV Privacy Initiative

Updates

On February 15, 2015, the FAA issued its long-awaited notice of proposed rulemaking on small unmanned aerial vehicles (UAVs). Currently, federal law prohibits commercial use of UAVs without advance approval, typically through the so-called Section 333 approval process.

02.04.2013

Are You Recording Your Customers' Calls? Better Listen

Updates

Federal law and most states only require one party to a phone call to consent to recording it, which means the person recording the call doesn't need anyone else's permission; however, a minority of states, including California, require all parties to a call to provide consent. While you might think you are safe if you do the recording in a one-party consent state, like Georgia, California's highest court has made clear that California law will apply no matter where you are located if you do business in California and record a call with a California client. *Kearney v. Salomon Smith Barney, Inc.*, 39 Cal. 4th 95 (2006).

01.28.2013

New HIPAA Omnibus Rule Implementing Provisions of the HITECH Act: An Overview of Changes

Updates

Final implementing regulations for many provisions of the HITECH Act (Health Insurance Technology for Economic and Clinical Health Act) were issued by the Department of Health and Human Services recently, and will appear in the Federal Register on January 25, 2013. Informally referred to as the Omnibus Rule, the regulations address a number of changes to the HIPAA Privacy Rule, HIPAA Security Rule, HIPAA breach notification rule, HIPAA privacy and security enforcement provisions, Business Associate definition and agreement requirements, and the interaction between HIPAA and the Genetic Information Nondiscrimination Act.

PRESENTATIONS

10.24.2018

Introduction to ECPA

Webinar

Partner John Roche provides an introduction to legal process issued under the Electronic Communications Privacy Act (ECPA), including a broad overview of the appropriate approach to requests for user data and content from governmental entities, as well as civil and criminal litigants.

01.24.2017

NTIA: Best Practices for Privacy, Accountability and Transparency Issues Concerning UAS

Speaking Engagements

Drone Law, The Seminar Group / San Francisco, CA

AREAS OF FOCUS

PRACTICES

- Litigation
- Intellectual Property Law
- Privacy & Security Law
- Tech Amicus

INDUSTRIES

- Communications

- Internet & E-Commerce
- Unmanned Vehicle Systems
- Internet of Things (IoT)

BAR AND COURT ADMISSIONS

- District of Columbia
- Virginia
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. District Court for the District of Columbia
- U.S. District Court for the District of Maryland
- U.S. District Court for the Eastern District of Virginia
- U.S. District Court for the Western District of Virginia
- U.S. Bankruptcy Court for the District of Columbia
- U.S. Bankruptcy Court for the District of Maryland
- U.S. Bankruptcy Court for the Eastern District of Virginia

EDUCATION

- William & Mary Law School, J.D., 2004, Notes Editor, *William & Mary Bill of Rights Journal*
- Georgetown University, B.A.S., Government, 1999

LANGUAGES

- Spanish

Professional Biography



RYAN SPEAR | PARTNER

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Ryan Spear counsels some of the world's most innovative companies on cutting-edge privacy and security issues. His wide-ranging practice includes:

- **Content moderation and enforcement.** Ryan helps online service providers develop effective and efficient strategies for moderating user-generated content, enforcing their terms of service, and protecting their services and their users from a variety of threats, including fraud, harassment, and other forms of abuse.
- **Litigation.** Ryan has extensive experience handling individual and class action cases involving the Electronic Communications Privacy Act (ECPA), the Computer Fraud and Abuse Act (CFAA), biometric data laws, and other laws governing privacy and security. He also routinely represents clients in cases involving free speech and online publishing, including cases arising under the Communications Decency Act (CDA) and the First Amendment. He has litigated in federal and state courts throughout the country.
- **Regulatory actions.** Ryan represents clients in complex and high-stakes regulatory actions by the Federal Trade Commission and state regulators.

Before joining Perkins Coie, Ryan served as a law clerk to the Honorable Paul L. Friedman of the United States District Court for the District of Columbia. He later joined the Congressional Oversight Panel (COP), a bipartisan organization created by Congress to oversee the U.S. Department of the Treasury's response to the 2008 financial crisis.

Ryan received his law degree from Harvard Law School and served as an editor of the *Harvard Law Review*. Prior to attending law school, Ryan worked in publishing and social services, with a focus on affordable housing and refugee rights. He continues to advocate for immigrants and refugees through his pro bono work, including his work with the non-profit legal services organization Kids in Need of Defense (KIND).

PROFESSIONAL RECOGNITION

- Listed as a "Washington Rising Star" by *Super Lawyers Magazine*, 2017 - 2018

RELATED EMPLOYMENT

- Congressional Oversight Panel, Washington, D.C., Legislative Fellow, 2009
- Perkins Coie LLP, Seattle, WA, Summer Associate, 2006
- Counterterrorism Section of the U.S. Department of Justice, Washington, D.C., Clinical Intern, Fall 2005

CLERKSHPIS

- Hon. Paul Friedman, U.S. District Court for the District of Columbia, 2007 - 2009

EXPERIENCE

CONTENT MODERATION AND ENFORCEMENT

Ryan helps online service providers create, implement, and maintain comprehensive content moderation programs, including strategies for preventing and detecting unauthorized commercialization of services or features, hacking, scraping, fraud, harassment, and other forms of abuse. His experience includes drafting and revising terms and conditions; preparing internal guidelines and handbooks for identifying and addressing impermissible content; and helping clients fulfill their legal obligations with respect to certain types of unlawful content and conduct. Ryan also counsels clients on the most effective and efficient methods for enforcing their terms of service and protecting their users, including technological self-help measures, law enforcement referrals, and litigation.

LITIGATION

RIVERA V. GOOGLE

U.S. District Court for the Northern District of Illinois

Successfully defended Google in landmark class action alleging that aspects of Google Photos violated the Illinois Biometric Information Privacy Act. Following discovery, obtained summary judgment victory on the ground that the plaintiffs had not suffered an injury sufficient to establish Article III standing.

RUDGAYZER V. GOOGLE INC., AMALFITANO V. GOOGLE INC.

U.S. District Court for the Eastern District of New York

U.S. Court of Appeals for the Second Circuit

U.S. District Court for the Northern District of California

U.S. Court of Appeals for the Ninth Circuit

Represented Google in defense of purported class action challenging previous class-action settlement and alleging claims under the Stored Communications Act in connection with the launch of Google Buzz social networking application. Obtained order transferring case from the U.S. District Court for the Eastern District of New York to the U.S. District Court for the Northern District of California and successfully defended that order before the U.S. Court of Appeals for the Second Circuit. After case was transferred, the district court dismissed plaintiffs' claims with prejudice and the Ninth Circuit affirmed. The Supreme Court recently denied plaintiff's petition for certiorari.

ARCHER-HAYES V. TOYTALK, INC., ET AL.

U.S. District Court for the Central District of California

State Superior Court of California

Defended ToyTalk, Inc. (now PullString, Inc.) and Mattel, Inc., in a purported nationwide class action asserting claims for unfair competition, negligence, unjust enrichment, invasion of privacy and violations of the California Invasion of Privacy Act based on allegations that Hello Barbie violated the Children's Online Protection Privacy Act. Following ToyTalk and Mattel's removal of case to federal court and filing of motions to dismiss and to compel arbitration, the case was voluntarily dismissed with prejudice.

ICF TECHNOLOGY, INC. V. GOOGLE INC.

U.S. District Court for the Western District of Washington

Successfully represented Google in defense of complaint seeking to force Google to change its Search results. The complaint alleged tortious interference, defamation and violation of the Washington Consumer Protection Act. Obtained denial of motion for temporary restraining order, after which the plaintiff voluntarily dismissed the case.

FACEBOOK INC. V. BANANA ADS, ET AL.

U.S. District Court for the Northern District of California

Represented Facebook in a lawsuit against more than 20 defendants who registered and used domain names incorporating Facebook's trademarks or deliberate misspellings of Facebook's trademarks (cybersquatting or typosquatting). Obtained default judgments awarding statutory damages of \$2.8 million and requiring transfer of dozens of infringing domain names to Facebook.

SVENSON V. GOOGLE INC.

U.S. District Court for the Northern District of California

Represented Google in putative class action asserting violations of the Stored Communications Act, breach of Privacy Policies, and violations of California's Unfair Competition Law. Obtained dismissal of Stored Communications Act claims for failure to state a claim, dismissal of remaining claims on summary judgment based on lack of Article III and statutory standing, and denial of plaintiff's motion for class certification on typicality and adequacy grounds.

COMMUNICATIONS DECENTY ACT LITIGATION

LA'TIEJIRA V. FACEBOOK, INC.

U.S. Court of Appeals for the Fifth Circuit

U.S. District Court for the Southern District of Texas

Represented Facebook in a lawsuit in which the plaintiff alleged various claims based on user-generated content and, in addition, sought a declaration that the Communications Decency Act is unconstitutional. Obtained dismissal of plaintiff's claims, with prejudice, under the Communications Decency Act and the Texas anti-SLAPP statute. Also obtained order awarding attorneys' fees to Facebook.

CARACCIOLI V. FACEBOOK, INC.

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Northern District of California

Represented Facebook in a lawsuit alleging breach of contract, unfair competition, and various torts based on user-generated content. Obtained dismissal of plaintiff's claims, with prejudice, under the Communications Decency Act and Facebook's terms of service. On appeal, the Ninth Circuit affirmed the dismissal in its entirety. The Supreme Court recently denied plaintiff's petition for certiorari.

HOWARD V. FACEBOOK, INC.

U.S. District Court for the District of Hawaii

Represented Facebook in a lawsuit alleging negligence, libel and intentional infliction of emotional distress based on user-generated content. After the court tentatively granted Facebook's motion to dismiss based on the Communications Decency Act, plaintiff voluntarily dismissed his claims with prejudice.

FEDERAL TRADE COMMISSION AND STATE ATTORNEYS GENERAL INVESTIGATIONS

CLOUD COMPUTING PROVIDER

Federal Trade Commission

Represented cloud computing provider in Federal Trade Commission investigation under Section 5 of the FTC Act regarding security practices for mobile access to cloud computing service. Investigation closed.

INQUIRY INTO GOOGLE WIFI DATA COLLECTION VIA STREET VIEW

Federal Trade Commission

Represented Google before regulatory bodies globally, and in litigation, regarding Google's Wi-Fi data collection via Street View. Successfully obtained closing letter from the Federal Trade Commission, completing its investigation.

POLITICAL LAW

BETHUNE-HILL V. VIRGINIA STATE BOARD OF ELECTIONS

U.S. District Court for the Eastern District of Virginia

Represented 12 Virginia voters in constitutional challenge to Virginia House of Delegate redistricting plan arising under the Equal Protection Clause of the Fourteenth Amendment. Perkins Coie secured a significant victory on behalf of Virginia voters on June 26, 2018, when the United States District Court for the Eastern District of Virginia, in Richmond held that 11 of the House of Delegates districts were unconstitutional racial gerrymanders in violation of the Fourteenth Amendment.

FLORIDA DEMOCRATIC PARTY V. SCOTT

U.S. District Court for the Northern District of Florida

Represented Florida Democratic Party in a lawsuit alleging claims under the Equal Protection Clause and Voting Rights Act based on Florida's refusal to extend voter-registration deadlines for the 2016 general election in light of Hurricane Matthew. Obtained injunction requiring Florida to extend registration deadlines, allowing more than 100,000 voters to register for the election.

ROMO V. DETZNER

Florida Supreme Court

Second Judicial Circuit of Florida, Leon County

In a voter redistricting case in Florida state court, represented voters who challenged the lawfulness of Florida's voting plan for the U.S. House of Representatives under the Florida Constitution. Obtained landmark ruling authorizing depositions and discovery from Florida state lawmakers and prevailed after three-week trial on the merits, resulting in a judgment that the State's plan was infected with partisan political intent in violation of the Florida Constitution.

NEWS

06.20.2019

Perkins Coie Secures U.S. Supreme Court Win in Virginia Redistricting Case

Press Releases

WASHINGTON, D.C. (June 20, 2019) - Perkins Coie secured a significant 5-4 U.S. Supreme Court decision on June 17 for 12 Virginia voters in a constitutional challenge to a Virginia House of Delegates' redistricting map arising under the Equal Protection Clause of the Fourteenth Amendment.

06.20.2019

Perkins Coie Supreme Court Win Mentioned in Multiple Publications

General News

01.03.2019

Perkins Coie Attorneys Mentioned in Multiple Publications Regarding Their Win for Google

General News

Susan D. Fahringer, Ryan Spear, Sunita Bali and Debra R. Bernard were mentioned in multiple publications regarding their win for Google in a proposed class action from Google Photos users who accused the company of violating Illinois' Biometric Information

01.02.2018

Perkins Coie Announces 2018 Partner Class

Press Releases

Perkins Coie is pleased to announce that 17 counsel and senior counsel have been promoted to partner.

07.11.2014

Perkins Coie Wins Significant Victory in Florida Redistricting Case

Press Releases

In a case with national political implications, Perkins Coie won a significant victory on behalf of Florida voters who challenged the lawfulness of Florida's congressional voting map.

01.13.2014

Perkins Coie Announces 2014 Counsel Promotions

Press Releases

Perkins Coie has announced that 39 attorneys have been promoted to the position of Counsel, effective January 1, 2014.

03.2013

Perkins Coie Helps Boeing Win Dismissal of Securities Class Action

Press Releases

A Perkins Coie team scored a victory for Boeing in a securities class action over the 787 Dreamliner's first flight. In a unanimous opinion authored by Judge Richard Posner, the U.S. Court of Appeals for the Seventh Circuit affirmed dismissal of the complaint and remanded to the district court for the limited purpose of determining whether plaintiffs' attorneys, the Robbins Geller law firm, violated Rule 11.

PUBLICATIONS

04.24.2019

European Parliament Approves Amendments to Draft “Terrorist Content” Legislation

Updates

The European Parliament approved several amendments to the European Commission's proposed Regulation on preventing the dissemination of terrorist content online on April 17, 2019.

01.02.2018

Google Defeats Biometric Privacy Lawsuit on Article III Standing Grounds

Updates

Google won summary judgment in *Rivera v. Google*, a privacy class action alleging violations of the Illinois Biometric Information Privacy Act (BIPA). The case involved “face grouping,” a feature that enables Google Photos to automatically sort and group the photographs in a user’s private account, based on visual similarities between the images of faces in the photos. The court held that any alleged collection of “biometric information” or “biometric identifiers” stemming from this feature did not cause an injury-in-fact sufficient to confer Article III standing. This update summarizes the decision, which may be relevant to clients involved with biometric technology, as well as other clients facing litigation where a no-injury defense may be applicable.

10.19.2018

European Commission Publishes Proposed Regulation Governing Online “Terrorist Content”

Updates

The European Commission recently published its draft “Regulation on preventing the dissemination of terrorist content online.”

08.01.2016

Commission Holds FTC Unfairness Claim Does Not Require “Probable” or Tangible Injury in LabMD Data Security Case

Updates

The Federal Trade Commission unanimously (3-0) ruled on July 29, 2016 that LabMD’s data security practices were “unfair” under Section 5 of the FTC Act, reversing a decision of its Administrative Law Judge.

08.26.2015

Third Circuit Affirms FTC Authority to Police Whether Companies Have Reasonable Data Security

Updates

Since at least 2005, the Federal Trade Commission has asserted that it may regulate lax data security practices as an “unfair” business practice under Section 5 of the FTC Act. The Wyndham hotel chain was the first to challenge this authority in court. In a highly anticipated opinion, the U.S. Court of Appeals for the Third Circuit resoundingly agreed with the FTC that a failure to implement reasonable data security measures may constitute an unfair business practice under Section 5.

04.09.2014

Federal Court Holds That FTC May Regulate Company Data Security Practices

Updates

In a closely watched and first-of-its-kind case, the U.S. District Court for the District of New Jersey rejected, for purposes of a motion to dismiss, a defendant company's argument that the Federal Trade Commission (FTC) lacks authority to regulate data security practices under Section 5 of the FTC Act.

AREAS OF FOCUS

PRACTICES

- Litigation
- Privacy & Security Law
- Tech Amicus
- Biometric Law

INDUSTRIES

- Internet & E-Commerce
- Artificial Intelligence, Machine Learning & Robotics
- Internet of Things (IoT)

BAR AND COURT ADMISSIONS

- Washington
- Supreme Court of the United States
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Western District of Washington
- U.S. District Court for the Eastern District of Washington

EDUCATION

- Harvard Law School, J.D., 2007, Editor, *Harvard Law Review*
- University of Washington, B.A., English, *magna cum laude*, Phi Beta Kappa, 1997

Professional Biography



BRUCE V. SPIVA | PARTNER

Member, Firmwide Executive Committee

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Washington, DC
+1.202.654.6203
BSpiva@perkinscoie.com

Bruce V. Spiva has tried cases, conducted arbitrations and argued appeals in such areas as congressional redistricting, civil rights, First Amendment law, securities and antitrust. In his representation of businesses and associations, Bruce handles a broad range of commercial litigation and arbitration matters, including antitrust, class actions, contracts, securities, partnership disputes and insurance coverage cases.

In addition to his trial practice, Bruce has written and contributed to briefs to the United States Supreme Court, and has argued appeals in the U.S. Court of Appeals for the District of Columbia Circuit. He has successfully represented both plaintiffs and defendants in nationwide class action lawsuits. He has litigated consumer protection and housing discrimination matters, and brought a case on behalf of a sexual assault survivor that led to the recent overhaul of police and hospital response procedures in D.C.

Bruce has published, spoken and testified on antitrust, voting rights and other issues. He has served as the chair of the board of directors of DC Vote and as co-chair of the D.C. Bar Litigation Section Steering Committee. He testified before the U.S. Congress in favor of the proposed D.C. Voting Rights Act, a bill that would have given residents of D.C. a voting representative in Congress. Bruce currently serves on the advisory boards of the Institute for Consumer Antitrust Studies and the American Antitrust Institute. He also serves on the Board of Directors of the D.C. Bar Foundation.

Prior to joining Perkins Coie, Bruce headed his own law firm and was a partner at another national law firm.

PROFESSIONAL RECOGNITION

- Honored as Champion of Democracy by D.C. Vote
- Recognized as a Rising Star by *Super Lawyers*, 2018

PROFESSIONAL LEADERSHIP

- DC Vote, Board, Former Chair
- D.C. Bar Litigation Section Steering Committee, Former Co-Chair
- Institute for Consumer Antitrust Studies, Advisory Board
- American Antitrust Institute, Advisory Board
- D.C. Bar Foundation, Board of Directors

CLERKSHIPS

- Hon. Jerome Farris, U.S. Court of Appeals for the Ninth Circuit

EXPERIENCE

COOPER V. HARRIS

Supreme Court of the United States

U.S. District Court for the Middle District of North Carolina

Secured a victory in the U.S. Supreme Court on May 22, 2017 on behalf of two North Carolina residents seeking invalidation of North Carolina's 1st and 12th Congressional Districts as racial gerrymanders in violation of the Equal Protection Clause of the 14th Amendment. Following trial in October 2015, on February 6, 2016, a three-judge panel of the U.S. District Court for the Middle District of North Carolina found in our team's favor, striking down the congressional plan originally drawn in 2011, enjoining further elections under it, and directing the North Carolina General Assembly to adopt a new map. The three-judge panel then denied the defendants' motion to stay, as did the U.S. Supreme Court. The Supreme Court Opinion, authored by Justice Kagan, upheld the district court's judgment that the North Carolina General Assembly had unlawfully used race to draw congressional districts.

WISCONSIN VOTING RIGHTS VICTORY

Secured a significant victory in Wisconsin striking down eight recently-enacted voting restrictions, including those involving strict voter identification requirements and substantial restrictions to early and absentee voting. The judge found a number of the challenged provisions unconstitutional, including the voter ID law as implemented, restrictions on the use of student ID as voter ID, certain restrictions that limited early and absentee voting, and a provision that increased the residency requirement before an otherwise eligible voter may participate in elections in Wisconsin. The court further affirmatively ordered the state to issue valid photo IDs for voters who are trying to obtain them but lack certain credentials (e.g. birth certificates).

NORTH CAROLINA VOTING RIGHTS CHALLENGE

Represents a group of North Carolina voters in a federal voting rights litigation in which a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit issued a unanimous ruling that the State's Republican-led General Assembly intentionally discriminated against African Americans when it enacted several new voting restrictions in 2013. The Fourth Circuit reversed the district court's dismissal of all of the plaintiffs' claims in *North Carolina State Conference of the NAACP, et al. v. McCrory, et al.*, finding that North Carolina's elimination of same day registration, out-of-precinct provisional voting, preregistration, reduction of early voting, and enactment of voter-ID law were unconstitutional and in violation of the 14th Amendment and Section 2 of the Voting Rights Act. The decision invalidates the changes to North Carolina's voting mechanisms, meaning that same-day registration, out-of-precinct provisional voting, preregistration, and the lost early voting days will be reinstated. North Carolina's voter ID law is also completely enjoined.

OHIO GOLDEN WEEK REINSTATEMENT

Secured a victory for voters in Ohio by obtaining a ruling that the State's elimination of Ohio's Golden Week – a period during which early voting and registration overlapped, such that voters could both register to vote and cast their ballot at the same time – violated Section 2 of the Voting Rights Act and was unconstitutional under the 14th Amendment's Equal Protection Clause.

VIRGINIA LONG LINES SETTLEMENT

Successfully represented the Democratic Party of Virginia and two Virginia voters in settlement negotiations with the Virginia State Board of Elections and the Virginia Department of Elections that culminated in a favorable consent decree in which the Board and Department agreed to take critical, significant steps to remedy Virginia's historical problem with long wait times to vote.

VIRGINIA BALLOT CHALLENGE

Successfully defended the Virginia Democratic Party against a motion for a preliminary injunction that, if granted, would have halted the printing of ballots for a primary election and required court review of the Party's decision not to certify a candidate for the ballot.

VIRGINIA NOMINATION PROCESS CHALLENGE

Successfully defended the Democratic Party of Virginia against a lawsuit that challenged the Party's First Amendment right to choose the means by which it selected its nominee in a special election to fill a vacant seat in the Virginia House

NEWS

04.02.2018

Perkins Coie Names Diverse Partners to Leadership Positions

Press Releases

Perkins Coie is pleased to announce that it has appointed numerous diverse partners to leadership positions, including women and partners of color.

05.22.2017

Perkins Coie Wins SCOTUS Ruling in North Carolina Congressional Redistricting Case

Press Releases

In a third time win for Perkins Coie attorney Marc Elias before the U.S. Supreme Court in redistricting lawsuits, on May 22, 2017, the Court upheld a federal district court decision that struck down North Carolina's 1st and 12th Congressional Districts as racial gerrymanders in violation of the Equal Protection Clause of the 14th Amendment.

12.13.2016

Bruce Spiva Quoted in The Washington Post - Appeals Court Upholds Virginia's Voter-ID Law

General News

The Washington Post

Bruce Spiva was quoted in *The Washington Post* article, "Appeals Court Upholds Virginia's Voter-ID Law" regarding, regarding a federal appeals court's decision to uphold Virginia's voter-ID law requiring residents to present photo identification to cast ballots.

10.07.2016

Perkins Coie Partner Bruce Spiva Quoted in BBC News - US Election 2016: Voter ID laws threaten lifelong voters

BBC News

Perkins Coie Partner Bruce Spiva was quoted in a *BBC News* article titled "US Election 2016: Voter ID laws threaten lifelong voters," regarding Wisconsin's new voter ID law which now requires registered voters to show photo ID, such as a driving licence or passport, before they are allowed to cast their ballot.

09.22.2016

Partner Bruce Spiva Quoted in The Washington Post - The Latest: Attorneys spar over Virginia voter ID law

General News

The Washington Post

Partner Bruce Spiva was quoted in *The Washington Post* article, "The Latest: Attorneys spar over Virginia voter ID law" regarding Virginia's voter ID law argued before the federal appeals court.

09.22.2016

Partner Bruce Spiva Quoted in The Washington Post - Court that nixed NC voter ID law studies Virginia's

General News

The Washington Post

Partner Bruce Spiva was quoted in *The Washington Post* article, "Court that nixed NC voter ID law studies Virginia's" regarding discrimination caused by the Virginia's voter ID law.

09.22.2016

Partner Bruce Spiva Interviewed for NBC29 - Richmond Federal Appeals Court Hearing Voter ID Case

General News

NBC29

Partner Bruce Spiva was interviewed for *NBC29* in a segment titled, "Richmond Federal Appeals Court Hearing Voter ID Case," regarding voters showing an official photo ID before voting.

08.29.2016

Perkins Coie Attorneys Featured in Law360 Article - Wis. Voter ID Law Likely To Stay In Place For Election

General News

Law360

Perkins Coie attorneys Marc Elias, Bruce Spiva, Elisabeth Frost, Rhett Martin, Joshua Kaul, Charles Curtis Jr. and Bobbie Wilson were mentioned in the *Law360* article, "Wis. Voter ID Law Likely To Stay In Place For Election," regarding their representation of One Wisconsin Institute and Citizen Action of Wisconsin Education Fund and the firm's efforts in invalidating a Wisconsin voter ID law.

03.11.2015

Perkins Coie Welcomes Leading Voting Rights Advocate to Political Law Group

Press Releases

Perkins Coie is pleased to announce that Bruce V. Spiva has joined the firm's Political Law group as a partner in the Washington, D.C. office. Bruce was most recently head of his own law firm; earlier in his career he was a partner at another national law firm.

AREAS OF FOCUS

PRACTICES

- Political Law
- Antitrust & Unfair Competition Litigation
- Business Litigation
- Political Law Litigation
- Appellate Law

BAR AND COURT ADMISSIONS

- District of Columbia
- Maryland
- California
- Supreme Court of the United States

EDUCATION

- Harvard Law School, J.D., 1992, Editor and Treasurer, *Harvard Law Review*
- Yale University, B.A., 1988

Professional Biography



WILLIAM (BEN) STAFFORD | PARTNER

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Ben Stafford is a partner in the firm's Labor & Employment practice who focuses his practice on employment litigation and counseling.

Ben has extensive experience defending complex wage-and-hour class action cases for clients including The Boeing Company, Comcast, OfficeMax, and Les Schwab. Ben's experience extends to all aspects of such cases, including managing electronic discovery, defeating class certification, taking a case to trial, and appellate practice.

Ben's other areas of experience include proactive defense of individual discrimination, harassment, retaliation, and wage and hour claims arising from federal and state laws such as the Civil Rights Act, the Fair Labor Standards Act, the Americans with Disabilities Act, and the Washington Law Against Discrimination. Representative clients include The Boeing Company and Microsoft.

PROFESSIONAL RECOGNITION

- Listed in *Super Lawyers Magazine*, "Washington Rising Star," 2013 - 2019

PROFESSIONAL LEADERSHIP

- Franklin High School Mock Trial Team, Coach
- Municipal League of King County, Board Member

RELATED EMPLOYMENT

- U.S. District Court for the Western District of Washington, Hon. Thomas S. Zilly, Externship, 2007
- Perkins Coie LLP, Seattle, WA, Summer Associate, 2006
- Washington State Office of the Attorney General, Seattle, WA, Law Clerk, 2005 - 2006

EXPERIENCE

EMPLOYMENT CLASS ACTIONS

O'HEARN V. LES SCHWAB TIRE CENTERS, INC.

U.S. District Court for the Western District of Washington.

Class certification denied in putative class case alleging misclassification of Washington assistant store managers as exempt from the Washington Minimum Wage Act.

SOTELO, ET AL. V. MEDIANEWS GROUP INC., ET AL.

Defense of wage-and-hour lawsuit involving over two dozen newspapers and alleged class of 5,000+ independent contractor delivery service providers. Class certification denied.

GINSBURG, ET AL. V. COMCAST

Defense of putative wage and hour class action involving alleged class of call center employees. Class certification denied.

LUCKE, ET AL. V. COMCAST

Defense of putative wage and hour class action involving alleged class of service technician employees. No motion for class certification filed.

MINTER V. OFFICEMAX

Defense of putative wage and hour class action and Private Attorneys General Act (PAGA) case filed in federal court in California related to meals and rest periods. PAGA claim dismissed on summary judgment. Class certification denied.

EEOC V. LES SCHWAB TIRE CENTERS INC. AND STRANGE & MORRIS V. LES SCHWAB TIRE CENTERS INC.

Defense of consolidated EEOC pattern and practice claims and private putative class action discrimination claims brought against Les Schwab Tire Centers.

ADOLF V. LES SCHWAB TIRE CENTERS, INC.

A wage and hour case filed in state court in California related to meals and rest periods. PAGA claim dismissed on summary judgment. Class certification denied.

GERARD V. LES SCHWAB TIRE CENTERS, INC.

Defense of putative class claims alleging violations of California state wage and hour laws.

ROGERS V. LES SCHWAB TIRE CENTERS, INC.

A wage and hour case involving alleged classification of assistant managers filed in state court in California.

POLITICAL LAW

COOPER V. HARRIS

Supreme Court of the United States

U.S. District Court for the Middle District of North Carolina

Secured a victory in the U.S. Supreme Court on May 22, 2017 on behalf of two North Carolina residents seeking invalidation of North Carolina's 1st and 12th Congressional Districts as racial gerrymanders in violation of the Equal Protection Clause of the 14th Amendment. Following trial in October 2015, on February 6, 2016, a three-judge panel of the U.S. District Court for the Middle District of North Carolina found in our team's favor, striking down the congressional plan originally drawn in 2011, enjoining further elections under it, and directing the North Carolina General Assembly to adopt a new map. The three-judge panel then denied the defendants' motion to stay, as did the U.S. Supreme Court. The Supreme Court Opinion, authored by Justice Kagan, upheld the district court's judgment that the North Carolina General Assembly had unlawfully used race to draw congressional districts.

U.S. SUPREME COURT RACIAL GERRYMANDERING VICTORY

Secured a unanimous victory in the U.S. Supreme Court, cementing a win for several Virginia voters previously obtained from a three-judge panel of the U.S. District Court of Virginia, which found Virginia's 3rd Congressional District to be an unconstitutional racial gerrymander. In a vote of 8-0, the Court dismissed the appeal, brought by Virginia's Republican Congressional delegation, who had intervened as defendants in the action, based on argument that the delegation lacked standing to maintain the appeal.

IN RE CONTEST OF GENERAL ELECTION HELD ON NOV. 4, 2008

Obtained a unanimous decision affirming that Al Franken had received the highest number of votes legally cast in the 2008 general election for United States Senator and therefore was entitled to receive the certificate of election. Perkins Coie also represented Franken during the election, a six-week recount involving nearly three million ballots—the largest in American history, a seven-week trial, and multiple appearances before the Minnesota Supreme Court. 767 N.W.2d 453 (Minn. 2009).

DOE #1, ET AL. V. REED, ET AL.

Represented respondent Washington Families Standing Together in opposing First Amendment challenge to disclosure, under state's Public Records Act, of petitions for initiatives and referenda filed with the state as part of direct democratic processes. In an 8-1 decision, the Justices agreed with respondent Washington Families Standing Together that the disclosure of referendum petitions does not facially violate the First Amendment.; 130 U.S. 2811 (2010); Also represented Washington Families Standing Together in its effort to support Washington's domestic partnership law in earlier stages of this litigation and related lawsuits.

IN RE PARNELL RECALL PETITION

Represented public hospital district in attempt to recall elected commissioner. Defeated recall petition at sufficiency hearing. (2011)

LEGISLATIVE DISTRICT 25 2010 RECOUNT

Represented candidate in recount.

IN RE CONLIN RECALL PETITION

Assisted in defense of attempt to recall City Council President. Defeated recall petition at sufficiency hearing. (2011)

HIPPERT, ET AL. V. RITCHIE, ET AL.

Represented Democratic voters in state redistricting proceeding. 813 NW 2d 374 (Minn. 2012)

SINGLE PLAINTIFF LITIGATION

HANDSON V. OVERLAKE HOSPITAL, ET AL.

U.S. District Court for the Western District of Washington

U.S. Court of Appeals for the Ninth Circuit

Represented Overlake Hospital and two individual defendants in a race and disability discrimination and harassment lawsuit brought by a former IT employee. Summary judgment for defendants affirmed on appeal to the Ninth Circuit.

GARCIA ET AL. V. CITY OF EVERETT, ET AL.

U.S. District Court for the Western District of Washington

U.S. Court of Appeals for the Ninth Circuit

Represented the City of Everett Police Department and two individual defendants in lawsuit brought by three former police officers alleging race discrimination, harassment and retaliation. Summary judgment for defendants affirmed on appeal to the Ninth Circuit.

MICROSOFT V. MISZEWSKI

Successful enforcement of non-competition agreement against departing employee; injunction issued.

SEARS V. BOEING

Successful defense of gender discrimination and harassment claims. Summary judgment granted dismissing all claims.

WILEY V. MICROSOFT

Successful defense of gender discrimination and employment "handbook" claim. Summary judgment granted dismissing all claims.

NEWS

06.20.2019

Perkins Coie Secures U.S. Supreme Court Win in Virginia Redistricting Case

Press Releases

WASHINGTON, D.C. (June 20, 2019) - Perkins Coie secured a significant 5-4 U.S. Supreme Court decision on June 17 for 12 Virginia voters in a constitutional challenge to a Virginia House of Delegates' redistricting map arising under the Equal Protection Clause of the Fourteenth Amendment.

06.20.2019

Perkins Coie Supreme Court Win Mentioned in Multiple Publications

General News

05.22.2017

Perkins Coie Wins SCOTUS Ruling in North Carolina Congressional Redistricting Case

Press Releases

In a third time win for Perkins Coie attorney Marc Elias before the U.S. Supreme Court in redistricting lawsuits, on May 22, 2017, the Court upheld a federal district court decision that struck down North Carolina's 1st and 12th Congressional Districts as racial gerrymanders in violation of the Equal Protection Clause of the 14th Amendment.

05.23.2016

U.S. Supreme Court Decides 8-0 With Perkins Coie in Virginia Voting Rights Case

General News

Perkins Coie secured a unanimous victory in the U.S. Supreme Court, cementing a win for several Virginia voters previously obtained from a three-judge panel of the U.S. District Court of Virginia, which found Virginia's 3rd Congressional District to be an unconstitutional racial gerrymander.

01.04.2016

Perkins Coie Announces 2016 Partner Class

Press Releases

Perkins Coie announced that 22 counsel and senior counsel have been promoted to partner.

02.18.2015

Perkins Coie Successfully Secures Restructuring of District Voting System in Yakima, WA for Stronger Latino Voice in Elections

Press Releases

Perkins Coie attorneys Kevin Hamilton, Abha Khanna and Ben Stafford, working on a pro bono basis with the ACLU, successfully brought about a court order requiring Yakima, Washington to implement a plan for seven single-member districts for City Council elections.

Pro Bono Team Secures Victory in Federal Voting Rights Case

General News

A Seattle-based litigation team won a significant victory in a lawsuit alleging that the at-large election system utilized by the City of Yakima to elect members of its City Council impermissibly dilutes Latino voting strength and does not allow for equal participation by Latinos in the election process.

01.13.2014

Perkins Coie Announces 2014 Counsel Promotions

Press Releases

Perkins Coie has announced that 39 attorneys have been promoted to the position of Counsel, effective January 1, 2014.

PUBLICATIONS

11.04.2016

\$18 Million Fine Levied for Campaign Finance Violation in Washington State

Updates

On November 3, 2016, a Thurston County Superior Court judge levied an \$18 million penalty against a trade association for violations of Washington campaign finance laws.

05.19.2016

Defend Trade Secrets Act Contains New Immunity Notification Requirements for Employers

Updates

The new Defend Trade Secrets Act (DTSA), signed into law by President Obama on May 11, 2016, creates a new private civil cause of action in federal court for trade secret misappropriation.

05.18.2016

New DOL Overtime Rules: Compliance and Litigation Prevention Tips

Updates

On May 18, 2016, the U.S. Department of Labor (DOL) announced the publication of a new final rule that substantially revises existing overtime regulations to narrow the scope of overtime "exemptions," requiring the reclassification of a large number of employees.

07.01.2015

DOL's Proposed Extension of Overtime Pay Will Have Vast Impact

Updates

President Barack Obama issued a memorandum in March 2014 that directed U.S. Secretary of Labor Thomas Perez to "modernize and streamline" the regulations on exemptions from the Fair Labor Standards Act's (FLSA) minimum wage and overtime pay requirements. On June 30, 2015, the Department of Labor (DOL) issued a Notice of Proposed Rulemaking (NPRM) that would substantially narrow the scope of these exemptions, requiring the reclassification of a large number of employees.

04.18.2013

Supreme Court Rules FLSA Collective Action Is Moot When the Individual Plaintiff's Claims Are Resolved Before Certification

Updates

On April 16, 2013, the U.S. Supreme Court concluded, in a 5-4 decision, that when the individual plaintiff in a "collective action" under the Fair Labor Standards Act (FLSA) resolves her own claims before certification, the case is moot and must be dismissed. *Genesis Healthcare Corp v. Symczyk*, No. 11-1059 (U.S. 2013).

04.12.2012

California Supreme Court Issues Decision on Meal and Rest Breaks

Updates

The California Supreme Court has issued its much anticipated decision on meal and rest breaks, *Brinker Restaurant Corp. v. Superior Court*.

Winter 2011 - 2012

Temporary Restraining Orders

Articles

Litigation News

PRESENTATIONS

06.04.2019

2019 Labor & Employment Law Workshop

Seminars

In-house CLE / Bellevue, WA

Our workshop covered a variety of employment law topics. [12712](#)

06.04.2019

Update on Noncompetition Agreements

Speaking Engagements

2019 Labor & Employment Law Workshop

In-house CLE / Bellevue, WA

06.20.2018

Restrictions on Employee “Political” Conduct

Speaking Engagements

2018 Labor & Employment Law Workshop / Bellevue, WA

06.13.2017

Arbitration Agreements and Executive Arbitration

Speaking Engagements

2017 Labor & Employment Law Workshop / Bellevue, WA

06.25.2015

2015 Employment Law Workshop

Seminars

Topics discussed include recent NLRB rulings, guidelines for employee handbooks, wage and hour and leave and accommodation issues and a general update on the latest employment law developments.

11.05.2016, 11.06.2014

Fall 2014 Labor & Employment Law Breakfast Seminars

Seminars

Topics include news on the Affordable Care Act, new EEOC guidance, Seattle's minimum wage law, how the Supreme Court's ruling on the President's NLRB appointments impacts employers, the enforceability of arbitration agreements barring class actions, independent contractors and employer liability, and a general update on the latest employment law developments.

AREAS OF FOCUS

PRACTICES

- Labor & Employment Law
- E-Discovery Services & Strategy
- Political Law
- Class Action Defense
- Noncompetition Litigation
- Workplace Harassment

INDUSTRIES

- Professional Sports

BAR AND COURT ADMISSIONS

- Washington

EDUCATION

- University of Washington School of Law, J.D., High honors, Order of the Coif, 2007, Executive Notes & Comments Editor, *Washington Law Review*
- Willamette University, B.A., Politics, *magna cum laude*, Phi Beta Kappa, 2003

Professional Biography



MALLORY GITT WEBSTER | ASSOCIATE

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Mallory Webster has significant trial court experience, which she gained by clerking for the Hon. James L. Robart of the U.S. District Court for the Western District of Washington. Mallory has litigated complex contractual disputes, employee whistleblower claims, insider trading claims, noncompete and nonsolicitation agreements, and trade secrets disputes in federal and state court.

While at the University of Washington School of Law, Mallory served as editor-in-chief of the *Washington Law Review*. Before law school, Mallory managed two successful political campaigns and directed the fundraising for a Seattle-based nonprofit.

PROFESSIONAL LEADERSHIP

- Federal Bar Association of the Western District of Washington, Local Rules Committee, Member
- Perkins Coie Seattle Pro Bono Committee, Member
- King County Washington Women Lawyers, Business Development Chair, 2016 - 2018

RELATED EMPLOYMENT

- DLA Piper (U.S.), Seattle, WA, Litigation Associate, 2015 - 2016; Summer Associate, 2014
- Judicial Extern for the Hon. James L. Robart, U.S. District Court for the Western District of Washington, Seattle, WA, 2014

CLERKSHIPS

- Hon. James L. Robart, U.S. District Court for the Western District of Washington, 2016 - 2018

PUBLICATIONS

04.02.2019

Equal Pay Day: The Persistent Wage Gap and Legislative Trends

Updates

More than 50 years after the Equal Pay Act of 1963 required equal pay for equal work, a wage gap persists between similarly situated men and women in the workforce.

PRESENTATIONS

02.11.2019

Key and Emerging Legal Issues in Education

Speaking Engagements

Presentation for the Pathways to Leadership Program

Northwest Association of Independent Schools / Seattle, WA

11.13.2018, 11.14.2018

Fall 2018 Labor & Employment Law Breakfast Seminar

Seminars

Our one-hour program will cover topics on Washington's Paid Sick Leave Law, upcoming supreme court cases, wage and hour law updates and Washington's new pregnancy accommodation law.

AREAS OF FOCUS

PRACTICES

- Labor & Employment Law
- Litigation
- Business Litigation

BAR AND COURT ADMISSIONS

- Washington
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Western District of Washington
- U.S. District Court for the Eastern District of Washington

EDUCATION

- University of Washington School of Law, J.D., with honors, Order of the Coif, 2015, Editor-in-Chief, *Washington Law Review*
- Seattle University, B.A., Political Science, *summa cum laude*, 2009